



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: November 17, 2010

Time: Closed Session 6:00 p.m.
Regular Meeting 7:00 p.m.

*and via conference call:

Hilton San Diego
Bayfront Hotel
1 Park Blvd., San Diego

For information regarding this Agenda please contact:

Randi Johl, City Clerk
Telephone: (209) 333-6702

6:55 p.m. Invocation/Call to Civic Responsibility. Invocations may be offered by any of the various religious and non-religious organizations within and around the City of Lodi. Invocations are voluntary offerings of private citizens, to and for the benefit of the Council. The views or beliefs expressed by the Invocation Speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the beliefs or views of any speaker.

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Dean Gualco, Human Resources Manager (Labor Negotiator), Regarding Unrepresented Executive Management, Lodi City Mid-Management Association, Unrepresented Confidential Employees, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, International Brotherhood of Electrical Workers, Fire Mid-Managers, and Lodi Professional Firefighters Pursuant to Government Code §54957.6
- b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Sandra Kay Oberg Against City of Lodi Based on Personal Injury
- c) Review of Council Appointee – City Manager to Include Employment, Appointment, and Evaluation of Performance (Government Code 54957)

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Pledge of Allegiance

C. Presentations – None

D. Consent Calendar (Reading; Comments by the Public; Council Action)

- D-1 Receive Register of Claims in the Amount of \$4,961,063.75 (FIN)
- D-2 Approve Minutes (CLK)
 - a) November 2, 2010 (Shirtsleeve Session)
 - b) November 3, 2010 (Regular Meeting)
 - c) November 3, 2010 (Special Meeting)
 - d) November 9, 2010 (Shirtsleeve Session)
- D-3 Accept Quarterly Report of Purchases Between \$5,000 and \$20,000 (CM)

- D-4 Accept Quarterly Investment Report as Required by Government Code Section 53646 and the City of Lodi Investment Policy (CM)
- Res. D-5 Adopt Resolution Approving City of Lodi Annual Investment Policy and Internal Control Guidelines (CM)
- D-6 Approve Specifications and Authorize Advertisement for Bids for Removal, Dewatering, and Disposal of Approximately 500 Tons of Biosolids from White Slough Water Pollution Control Facility Storage Lagoons (PW)
- Res. D-7 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with Weco Industries, Inc., of Vacaville, for Purchase of Closed Circuit Television Inspection Equipment (\$22,257) (PW)
- Res. D-8 Adopt Resolution Awarding Contract for City-Funded Maintenance of Landscape Areas for 2011 to Dominguez Landscape Services, Inc., of Sacramento, for Groups A, B, and C for an Annual Cost of \$141,708 (PW)
- Res. D-9 Adopt Resolution Appropriating Funds for Contract Change Orders for DeBenedetti Park (G-Basin) Storm Drain Improvements Project (\$150,000) (PW)
- Res. D-10 Adopt Resolution Appropriating Additional Funds for Contract Change Order No. 4 for Lodi Grape Bowl All-Weather Surface Project (\$12,061.56) (PW)
- Res. D-11 Adopt Resolution Accepting Improvements Under Contract for 2010 Storm Drain Improvements Project and Appropriating Funds (\$40,000) (PW)
- Res. D-12 Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32) (PW)
- Res. D-13 Adopt Resolution Authorizing the City Manager to Execute Amendment No. 1 to Professional Services Agreement with RMC Water and Environment, of Walnut Creek, for Water Meter Planning, Design, and Program Management (\$1,977,417) and Appropriating Funds (\$2,250,000) (PW)
- Res. D-14 Adopt Resolution Approving Amendments to Improvement Agreement for Public Improvements for Reynolds Ranch Phase II, Offsite Improvements (PW)
- Res. D-15 Adopt Resolution Re-Appropriating Funds for the Energy Efficiency and Conservation Block Grant (EUD)
- Res. D-16 Adopt Resolution Amending the Electric Utility Department (EUD) Rules and Regulations Nos. 1, 13, 15, and 16 to Reconcile Estimated EUD Costs with Actual Costs Upon the Completion of the Project (EUD)
- D-17 Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Sandra Kay Oberg, Pursuant to Government Code Section 911.6(a) (CA)

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

F. Comments by the City Council Members on Non-Agenda Items

G. Comments by the City Manager on Non-Agenda Items

H. Public Hearings

- Res. H-1 Public Hearing to Consider Resolution Approving Transit Fare Structure Updates (PW)
- H-2 Public Hearing to Consider Unmet Transit Needs in Lodi (PW)
- Res. H-3 Public Hearing to Consider Adoption of Resolution Amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2011 (CD)

I. Communications

- I-1 Post for One Vacancy on the Lodi Improvement Committee (CLK)
- I-2 Monthly Protocol Account Report (CLK)

J. Regular Calendar

- J-1 Provide Direction Regarding Request of Lodi Chamber of Commerce for Waiver of Remittance of Business License Taxes Collected at the October 2010 Street Faire (CM)
- Res. J-2 Adopt Resolution Approving Joint Use Agreement Between the Lodi Unified School District and the City of Lodi for Reciprocal Use of Facilities for the Term of July 1, 2010 through June 30, 2020 (PR)
- Res. J-3 Adopt Resolution Authorizing the City Manager to Execute Purchase Order with West Coast Arborists, Inc., for the Phased Removal and Replacement of 39 Raywood Ash Trees on Lower Sacramento Road Between Elm Street and Tejon Street and Appropriating Funds (\$17,275) (PW)
- J-4 Select Project Nominations for San Joaquin Council of Governments' One Voice Trip (CM)
- Res. J-5 Adopt Resolution Approving Job Description, Salary Range, and Reclassification for the Position of Supervising Customer Service Representative (CM)
- Res. J-6 Adopt Resolution Appointing Konradt Bartlam as City Manager and Approving the Related Employment Agreement (CC)
- J-7 Consider Appointment of City Council Members to Fill Vacancies on Northern California Power Agency (CLK)
- J-8 Consider Disbandment of Lodi Budget/Finance Committee (CLK)

K. Ordinances

- Ord. (Adopt) K-1 Adopt Ordinance No. 1834 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Building Code,' Volumes 1 and 2; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.04 in Its Entirety" (CLK)
- Ord. (Adopt) K-2 Adopt Ordinance No. 1835 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Mechanical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.08 in Its Entirety" (CLK)
- Ord. (Adopt) K-3 Adopt Ordinance No. 1836 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Electrical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.16 in Its Entirety" (CLK)
- Ord. (Adopt) K-4 Adopt Ordinance No. 1837 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Plumbing Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.12 in Its Entirety" (CLK)
- Ord. (Adopt) K-5 Adopt Ordinance No. 1838 Entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.06, Adopting the '2010 California Residential Building Code'" (CLK)

- Ord. K-6 Adopt Ordinance No. 1839 Entitled, "An Ordinance of the Lodi City Council Amending Title 15 –
(Adopt) Buildings and Construction – by Adding Chapter 15.18, Adopting the '2010 California Green Building Standard Code'" (CLK)
- Ord. K-7 Adopt Ordinance No. 1840 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010
(Adopt) California Fire Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.20 in Its Entirety" (CLK)
- Ord. K-8 Adopt Ordinance No. 1841 Entitled, "An Ordinance of the City Council of the City of Lodi
(Adopt) Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Adding Chapter 15.22, 'ATC-20 Safety Assessment Placards,' Used to Denote Conditions Relating to Continued Occupancy of Buildings" (CLK)
- Ord. K-9 Adopt Ordinance No. 1842 Entitled, "An Ordinance of the City Council of the City of Lodi
(Adopt) Amending Lodi Municipal Code Chapter 2.44 – Personnel System – by Repealing and Re-Enacting Sections 2.44.070, 'Composition of Board-Vacancies,' and 2.44.100, 'Hearing of Appeals,' Relating to Expanding Board Membership from Three to Five and Making Board Decisions Advisory to the City Manager" (CLK)

L. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims through October 28, 2010 in the Total Amount of \$4,961,063.75

MEETING DATE: November 17, 2010

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$4,961,063.75.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$4,961,063.75 through 10/28/10. Also attached is Payroll in the amount of \$1,228,762.07.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

Accounts Payable
Council Report

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Date - 11/01/10
Amount

As of Thursday	Fund	Name	Amount
10/28/10	00100	General Fund	1,105,220.84
	00123	Info Systems Replacement Fund	1,418.11
	00160	Electric Utility Fund	2,436,042.22
	00161	Utility Outlay Reserve Fund	316,897.07
	00164	Public Benefits Fund	10,051.26
	00170	Waste Water Utility Fund	15,906.83
	00171	Waste Wtr Util-Capital Outlay	8.69
	00172	Waste Water Capital Reserve	9,127.42
	00180	Water Utility Fund	4,598.20
	00181	Water Utility-Capital Outlay	417,337.58
	00182	IMF Water Facilities	349.24
	00210	Library Fund	2,312.28
	00234	Local Law Enforce Block Grant	1,700.00
	00260	Internal Service/Equip Maint	37,831.22
	00270	Employee Benefits	34,303.98
	00300	General Liabilities	4,841.34
	00310	Worker's Comp Insurance	54,871.69
	00321	Gas Tax	23,692.54
	00325	Measure K Funds	11,616.28
	00329	TDA - Streets	190.00
	00331	Federal - Streets	174.41
	00337	Traffic Congestion Relf-AB2928	21.34
	00338	IMF-Regional Transportation	36.35
	00339	Prop.1B-Local Streets & Roads	6,514.00
	00340	Comm Dev Special Rev Fund	1,639.03
	00345	Community Center	4,501.16-
	00346	Recreation Fund	2,791.22
	00459	H U D	7,940.00
	00502	L&L Dist Z1-Almond Estates	1,348.62
	00503	L&L Dist Z2-Century Meadows I	851.76
	00506	L&L Dist Z5-Legacy I,II,Kirst	2,271.36
	00507	L&L Dist Z6-The Villas	1,916.46
	00509	L&L Dist Z8-Vintage Oaks	709.80
	00510	SJ MultiSpecies Habitat Conser	131,379.86
	00550	SJC Facilities Fees-Future Dev	63,186.44
	01241	LTF-Pedestrian/Bike	6,953.25
	01250	Dial-a-Ride/Transportation	157,043.20
	01410	Expendable Trust	30,535.35
Sum			4,899,128.08
	00185	PCE/TCE Rate Abatement Fund	27,393.45
	00190	Central Plume	34,542.22
Sum			61,935.67
Total Sum			4,961,063.75

Council Report for Payroll

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Date - 11/01/10

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	10/17/10	00100	General Fund	730,785.23
		00160	Electric Utility Fund	149,627.43
		00164	Public Benefits Fund	5,165.24
		00170	Waste Water Utility Fund	102,558.89
		00180	Water Utility Fund	1,553.72
		00210	Library Fund	29,927.99
		00235	LPD-Public Safety Prog AB 1913	2,359.75
		00260	Internal Service/Equip Maint	19,993.24
		00321	Gas Tax	40,176.17
		00340	Comm Dev Special Rev Fund	22,452.38
		00345	Community Center	25,896.43
		00346	Recreation Fund	43,883.52
		01250	Dial-a-Ride/Transportation	7,108.84
Pay Period Total:				
Sum				1,181,488.83
Retiree	11/30/10	00100	General Fund	47,273.24
Pay Period Total:				
Sum				47,273.24



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) November 2, 2010 (Shirtsleeve Session)
b) November 3, 2010 (Regular Meeting)
c) November 3, 2010 (Special Meeting)
d) November 9, 2010 (Shirtsleeve Session)

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) November 2, 2010 (Shirtsleeve Session)
b) November 3, 2010 (Regular Meeting)
c) November 3, 2010 (Special Meeting)
d) November 9, 2010 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes marked Exhibit A through D.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 2, 2010**

The November 2, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 3, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 3, 2010, was called to order by Mayor Katzakian at 6:30 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Review of Council Appointee - City Manager to Include Employment, Appointment, and Evaluation of Performance (Government Code 54957)

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Katzakian reconvened the City Council meeting and disclosed the following action.

Item C-2 (a) was discussion only with no reportable action.

A. Call to Order / Roll call

The Regular City Council meeting of November 3, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Homeless Youth Awareness and Runaway Prevention Month

Mayor Katzakian presented a proclamation to Jennifer Jones, Associate Executive Director of the Family and Youth Services of San Joaquin County, proclaiming the month of November 2010 as "Homeless Youth Awareness and Runaway Prevention Month" in the City of Lodi.

C-2 Presentation by Hospice of San Joaquin Regarding 2010 Tree of Lights

Stephen Guasco, Executive Director for Hospice of San Joaquin, made a presentation regarding the 2010 Hospice Tree Lighting in the City of Lodi.

C-3 Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Mandy Majidian and Dey Nava, members of the Greater Lodi Area Youth Commission, gave an update regarding the accomplishments of the Youth Commission. Following the presentation, Mayor Katzakian presented the following Teen of the Month awards: September 2010, Roman Butler; and October 2010, Rebeca Galvan.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$5,038,696.85 (FIN)

Claims were approved in the amount of \$5,038,696.85.

D-2 Approve Minutes (CLK)

The minutes of October 19, 2010 (Shirtsleeve Session), October 20, 2010 (Regular Meeting), and October 26, 2010 (Shirtsleeve Session) were approved as written.

D-3 Adopt Resolution Awarding the Purchase of 25,000 Feet of Underground Cable to General Cable Corporation, of Highland Heights, Kentucky (\$88,685.63) (EUD)

Adopted Resolution No. 2010-183 awarding the purchase of 25,000 feet of underground cable to General Cable Corporation, of Highland Heights, Kentucky, in the amount of \$88,685.63.

D-4 Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32) (PW)

This item was pulled by staff from the agenda for consideration at a future City Council meeting.

D-5 Adopt Resolution Authorizing the City Manager to Execute Consent to Assignment by Treadwell & Rollo, Inc. and Assumption of Contract by Langan Engineering & Environmental Services, Inc. (PW)

This item was pulled for further discussion by Robin Rushing.

In response to Mr. Rushing, City Attorney Schwabauer provided an overview of the preexisting contractual relationship with Treadwell & Rollo, the historical selection of the firm to perform the subject work, and the assignment and assumption of the contract by Langan Engineering & Environmental Services, Inc.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-186 authorizing the City Manager to execute the Consent to Assignment by Treadwell & Rollo, Inc. and Assumption of Contract by Langan Engineering & Environmental Services, Inc.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-6 Adopt Resolution Authorizing the City Manager to Execute the Service Maintenance Agreement with Sungard Public Sector, Inc. (\$131,967.14) (PD)

This item was pulled for discussion by Council Member Mounce.

In response to Council Member Mounce, Interim Police Chief Gary Benincasa stated staff and Council were made aware of the annual maintenance cost at the time the original contract was approved and staff is pleased with the system to date.

In response to Mayor Pro Tempore Hitchcock, Chief Benincasa stated this service, similar to the Data 911 service, is important and needed for department operations.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to adopt Resolution No. 2010-187 authorizing the City Manager to execute the service maintenance agreement with Sungard Public Sector, Inc. in the amount of \$131,967.14.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-7 Adopt Resolution Increasing Parking Fines for Lodi Municipal Code and California Vehicle Code Sections (PD)

Adopted Resolution No. 2010-184 increasing parking fines for Lodi Municipal Code and California Vehicle Code Sections.

D-8 Adopt Resolution Approving Year 2010 Amendments to Conflict of Interest Code (Government Code §87306.5) (CA)

Adopted Resolution No. 2010-185 approving year 2010 amendments to Conflict of Interest Code (Government Code §87306.5).

D-9 Set Public Hearing for November 17, 2010, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 17, 2010, to consider unmet transit needs in Lodi.

D-10 Set Public Hearing for November 17, 2010, to Consider Adoption of Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2011 (CD)

Set public hearing for November 17, 2010, to consider adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Alex Aliferis spoke in regard to his concerns about the condition of trees in the City, especially on the east side of the City and the liability associated with the same in severe weather conditions. Deputy Public Works Director Charlie Swimley responded that staff will work with Mr. Aliferis to address his concerns.

Robin Rushing spoke in regard to his concerns about medical marijuana and the publication of the address for those who possess medical marijuana.

Lance Mortenson spoke in regard to his concerns about due dates for utility billing and the assessment of late fees. Interim City Manager Bartlam stated staff will work with Mr. Mortenson regarding his specific concerns about his utility bill.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Mounce inquired about the status of the local hiring ordinance, and City Attorney Schwabauer responded that he is continuing to research the matter and will bring the item back to Council for consideration in the near future.

Council Member Johnson suggested that, upon meeting with the Downtown Lodi Business Partnership's Executive Director regarding requirements for the Parade of Lights, he would like to see the matter of non-profit events agendaized for a future meeting to review requirements for the same.

Council Member Hansen reported on his attendance at the Northern California Power Agency (NCPA) and San Joaquin Council of Governments meetings and specifically discussed the construction of the new Lodi Energy Center, Turlock opting out of NCPA, three agencies requesting membership in NCPA, grade separation projects, and Measure K funding and renewal options.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Consider Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with Local Amendments Including a Fee Schedule for Operational Permits and ATC 20 Placards (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with local amendments including a fee schedule for operational permits and ATC 20 Placards.

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the adoption of the 2010 California Codes and placard ordinance.

Building Official Dennis Canright provided a PowerPoint presentation regarding the proposed code adoption. Specific topics of discussion included the California Building Standards Commission, code adoption process, Building Standards Code - Title 24, California Residential Code, California Green Building Standards Code, fire sprinklers, carbon monoxide alarms, mandatory measures, water use, construction waste, pollutant control, site development, bicycle parking, designated parking for clean air vehicles, accessibility for existing buildings, placards ordinance, and public communication.

In response to Council Member Hansen, Mr. Canright stated the Codes themselves are available on-line for review.

In response to Council Member Hansen, Mr. Canright stated the carbon monoxide requirement is triggered by new construction and certain improvements of \$1,000 or more.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated new construction generally applies to bigger projects with respect to parking requirements.

In response to Council Member Mounce, Mr. Canright stated the parking requirements are based on a formula for spaces rather than percentages.

In response to Council Member Mounce, Mr. Canright stated a change of occupancy is generally a change in the use of the building and provided a few examples of the same.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated the change in occupancy requirement will be expensive because some facilities were built many years ago and the parking layouts may cross paths of travel and accessibility improvements will be needed.

Fire Chief Kevin Donnelly provided a PowerPoint presentation regarding the Fire Code adoption as proposed. Specific topics of discussion included administrative section changes, appendixes for high hazards, local codes, operational permitting of current code, fee schedule and adoption for operational permits, and implementation over the upcoming year.

In response to Council Member Johnson, Chief Donnelly stated using temporary structures for an extended period of time, generally for 30 days or longer, will trigger the new requirement and fee.

In response to Mayor Pro Tempore Hitchcock, Chief Donnelly stated the fire sprinkler requirement is applicable to new construction only.

In response to Mayor Katzakian, Mr. Canright stated the carbon monoxide alarms can be battery-operated and do not need to be hardwired. In response to Council Member Hansen, Mr. Canright stated the \$1,000 threshold was established by the State as a mandate.

Council Member Mounce made a motion, second by Council Member Johnson, to introduce the following ordinances adopting the 2010 building/construction/fire codes: Ordinance No. 1834

relating to the California Building Code; Ordinance No. 1835 relating to the Mechanical Code; Ordinance No. 1836 relating to the Electrical Code; Ordinance No. 1837 relating to the Plumbing Code; Ordinance No. 1838 relating to the Residential Code; Ordinance No. 1839 relating to the Green Building Standard Code; Ordinance No. 1840 relating to the Fire Code; and Ordinance No. 1841 relating to ATC 20 Placards.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I. Communications - None

J. Regular Calendar

J-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 - Personnel System - by Repealing and Reenacting Sections 2.44.070, "Composition of Board - Vacancies," and 2.44.100, "Hearing of Appeals" (CA)

City Attorney Schwabauer provided a brief presentation regarding the proposed ordinance, stating it is a housekeeping measure to ensure consistency with the newly-revised Personnel Rules, which were adopted by the City Council at a recent meeting.

Council Member Hansen made a motion, second by Council Member Johnson, to introduce Ordinance No. 1842 amending Lodi Municipal Code Chapter 2.44 - Personnel System - by repealing and reenacting Sections 2.44.070, "Composition of Board - Vacancies," and 2.44.100, "Hearing of Appeals."

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances

K-1 Adopt Ordinance No. 1833 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, "Electrical Service," by Repealing and Reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider" (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1833 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.225, 'Schedule NEM - Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM - Co-Energy Metering Rider,'" which was introduced at a regular meeting of the Lodi City Council held October 20, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor

Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:07 p.m., in memory of Eileen St. Yves, member of the Lodi Improvement Committee, who passed away on October 27, 2010, and Laura (Koepplin) Rosenquist, who passed away on October 24, 2010.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 3, 2010**

A. Call to Order / Roll Call

The Special City Council meeting of November 3, 2010, was called to order by Mayor Katzakian at 8:07 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Regular Calendar

B-1 Authorize the City Manager to Enter into a Cooperative Agreement with Caltrans for the State Route 99/Harney Lane Interchange Interim Improvement Project (CA)

City Attorney Schwabauer provided a brief overview of the proposed cooperative agreement, stating it is consistent with general governmental practices and the City would require the same indemnification of another party in similar circumstances.

Council Member Johnson made a motion, second by Mayor Pro Tempore Hitchcock, to authorize the City Manager to enter into a cooperative agreement with Caltrans for the State Route 99/Harney Lane Interchange Interim Improvement Project.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

C. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:10 p.m.

ATTEST:

Randi Johl
City Clerk

**LODI CITY COUNCIL
SHIRTSLEEVE SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, NOVEMBER 9, 2010**

The November 9, 2010, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Randi Johl
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Accept Quarterly Report of Purchases Between \$5,000 and \$20,000

MEETING DATE: November 17, 2010

PREPARED BY: Purchasing Technician

RECOMMENDED ACTION: Accept quarterly report of purchases between \$5,000 and \$20,000.

BACKGROUND INFORMATION: During the third calendar quarter of 2010, the following purchases were awarded. Background information for each purchase is attached as Exhibits A through JJ.

Exh.	Date	Contractor	Project	Award Amt.
A	7/6/10	HD Supply Utilities LTD	Electric Inventory	\$13,344.22
B	7/6/10	All Phase Electric Supply Co.	Electric Inventory	\$13,058.71
C	7/14/10	Western Pacific Signal LLC	Microwave Vehicle Motion & Presence Sensor	\$5,462.33
D	7/15/10	International Code Council, Inc.	Building Code Books	\$6,403.94
E	7/20/10	Wesco Graphics, Inc.	The City of Lodi Community Activity Guide, Spring/Summer 2010	\$8,229.20
F	7/20/10	Econolite Control Products, Inc.	Traffic Controller Replacements	\$5,307.00
G	7/22/10	Pre-Sort Center, Inc.	Utility Bill Envelopes	\$15,488.90
H	7/27/10	One Source Distributors LLC	Electric Inventory	\$11,371.41
I	7/28/10	Neil Anderson & Assoc., Inc.	Water Main Replacement Program #3, 2010 Street Improvements Project, 2010 Alley Reconstruction Project & 2010 Storm Drain Project	\$15,500.00
J	8/3/10	AZCO	Electric Inventory	\$15,451.20
K	8/5/10	VibraAlign, Inc.	White Slough Laser Aligner Replacement	\$19,936.25
L	8/6/10	VSS Emultech	Crackfill Maintenance Product	\$5,912.60
M	8/9/10	Jensen Precast	Electric Inventory	\$19,497.80
N	8/9/10	HD Supply Portland	Electric Inventory	\$10,235.55
O	8/9/10	HDE Housley Demo. Excavate	Demolition of Fire Station #2 Hose Tower	\$7,682.00
P	8/9/10	One Source Distributors LLC	Electric Inventory	\$6,011.27
Q	8/10/10	LC Action Police Supply	3 Vests for SWAT Team	\$7,960.51
R	8/10/10	Stockton Wood Shavings	Playground Fibar Replacement	\$5,398.14
S	8/13/10	Survalent Technology Corp.	Additional work for the OMS System	\$11,800.00
T	8/13/10	Milsoft Utility Solutions	WindMil Additional Seating Licenses	\$7,600.00
U	8/13/10	General Pacific, Inc.	Cottage Bakery Primary Metering	\$7,523.51
V	8/17/10	The Okonite Company	Electric Inventory	\$11,680.61
W	8/18/10	Univar USA, Inc.	Sodium Hydroxide Purchase	\$9,729.32
X	8/20/10	Grizzly Industrial, Inc.	Lathe Purchase	\$14,958.07
Y	8/25/10	Western Printing & Graphics	Utility Bills, Delinquent and Final Notices	\$11,476.88
Z	8/25/10	Delta Wireless & Network Solu.	Fire Station 2 Antenna Relocation	\$6,129.59
AA	8/30/10	Downtown Ford Sales	Pickup Truck 07-030 Purchase	\$17,440.90
BB	9/1/10	Aqua-Aerobics Systems, Inc.	White Slough Tertiary Filter Repair	\$7,945.38
CC	9/7/10	Ferguson Water Works	Well #27	\$8,979.49
DD	9/7/10	Pace Supply Corp.	Water Inventory	\$6,738.34

APPROVED: _____
Konradt Bartlam, Interim City Manager

EE	9/8/10	Ermco	Electric Inventory	\$6,368.40
FF	9/10/10	Adamson Police Products	Purchase of Ammunition	\$10,766.25
GG	9/13/10	Kuhlman Electric Corp.	Purchase/Replacement of an oil leaking Voltage Transformer in Industrial Substation	\$5,357.03
HH	9/21/10	Astera Software	Centerprise ETL Upgrade	\$9,000.00
II	9/23/10	Big Valley Tractor	Kubota Turf Truckster	\$11,158.00
JJ	9/30/10	J4 Systems	Web Filter Replacement	\$10,542.45

FISCAL IMPACT: Varies by project. All purchases were budgeted in the 2010-2011 Financial Plan.

FUNDING: Funding as indicated on Exhibits.

Jordan Ayers, Deputy City Manager/Internal Services Director

JA/sm

Attachments

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR HD Supply Benicia
AWARD AMOUNT: \$13,344.22
DATE OF RECOMMENDATION: July 6, 2010

BIDS OR PROPOSALS RECEIVED:

HD Supply Benicia	\$13,344.22
One Source Distributors	\$14,030.84
All-Phase Item 4 Only	
WESCO Item 2 & 4 Only	
Platt Item 2 Only	
HD Portland Item 1-3 Only	
Please see attached sheet for item price breakdown	

"NO BID" or NO RESPONSE RECEIVED:

GEXPRO
AZCO
General Pacific
Rexel

BACKGROUND INFORMATION & BASIS FOR AWARD:

These underground parts are for use on the City of Lodi's Electric System. These underground parts can be used for replacement of existing parts or in new construction. HD Supply Benicia was the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR All-Phase Electric Supply
AWARD AMOUNT: \$13,058.71
DATE OF RECOMMENDATION: July 6, 2010

BIDS OR PROPOSALS RECEIVED:

All-Phase Electric Supply	\$13,058.71
GEXPRO	\$13,344.71
Platt Electric Supply	\$14,118.34
WESCO Item 1 & 2 Only	
One Source Distribution Item 1 & 2 Only	

Please see attached sheet for item price breakdown

"NO BID" or NO RESPONSE RECEIVED:

HD Supply-Benicia

BACKGROUND INFORMATION & BASIS FOR AWARD:

These streetlight parts are for use on the City of Lodi's Electric System. These streetlight parts can be used for replacement of existing parts or in new construction. All-Phase Electric Supply was the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: MICROWAVE VEHICLE MOTION & PRESENCE SENSOR
DEPARTMENT: PUBLIC WORKS, STREETS & DRAINAGE
CONTRACTOR: WESTERN PACIFIC SIGNAL, LLC
AWARD AMOUNT: \$5,462.33
DATE OF RECOMMENDATION: July 12, 2010

BIDS OR PROPOSALS RECEIVED:

Western Pacific Signal, LLC, (sole supplier) \$5,462.33

"NO BID" or NO RESPONSE RECEIVED:

Sole supplier

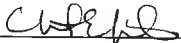
BACKGROUND INFORMATION & BASIS FOR AWARD:

This is a sole supplier (see attached letter) for a new type of vehicle motion and presence tracking sensor for controlling traffic signals. This is new technology and has only been installed in a few Cities in California. The advantages of this new technology are: non invasive, the pavement doesn't have to cut for loops, this type of detector is not affected by weather or poor pavement quality. Streets installed one unit (Lodi & Hutchins) and had very good results. This is another situation where the pavement had a new treatment and we do not want to cut the new surface for repair.

FUNDING: Streets & Drainage Fund, Traffic Signal Maintenance 325051.7706

Prepared by: Curtis Juran

Title: Streets & Drainage Superintendent

Reviewed by: 

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Building Code Books
DEPARTMENT: Community Development
CONTRACTOR International Code Council, Inc.
AWARD AMOUNT: \$6,403.94
DATE OF RECOMMENDATION: 07/16/10


BIDS OR PROPOSALS RECEIVED:
N/A

“NO BID” or NO RESPONSE RECEIVED:
No Bid - Only vender available

BACKGROUND INFORMATION & BASIS FOR AWARD:

Required to adopt new Building Codes and have the various publications here to review before Council adoption.

FUNDING: 340452.7308

Prepared by: Kari Chadwick 

Title: Administrative Secretary

Reviewed by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME:	The City of Lodi-Community Activity Guide/Spring/Summer 2010
DEPARTMENT:	Division of Arts & Culture/Community Center & Parks & Rec Department
CONTRACTOR	Wesco Graphics, Inc.
AWARD AMOUNT:	\$8,229.20
DATE OF RECOMMENDATION:	July 9, 2010

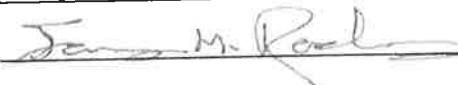
BIDS OR PROPOSALS RECEIVED:

Wesco Graphics, Inc.

\$8,229.20**"NO BID" or NO RESPONSE RECEIVED:****BACKGROUND INFORMATION & BASIS FOR AWARD:**

Original bid for \$7,635.67. Increased the size of the publication by 4 pages for an increase of \$593.73.
(Printing-\$353.73, Layout and Design-\$240.00)

FUNDING:345026.7301
346011.7301

Prepared by: Diane C. AmaralTitle: Program CoordinatorReviewed by: 

Purchase Order No.

EXHIBIT F

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: TRAFFIC CONTROLLER REPLACEMENTS
DEPARTMENT: PUBLIC WORKS, STREETS & DRAINAGE
CONTRACTOR ECONOLITE CONTROL PRODUCTS
AWARD AMOUNT: \$5,307.00
DATE OF RECOMMENDATION: JULY 12, 2010

BIDS OR PROPOSALS RECEIVED:

Econolite Control Products Inc., Anaheim	\$5,307.00
JAM Services, Inc., Livermore	\$5,981.25
Cal Signal Corp, Burlingame	\$6,144.38

"NO BID" or NO RESPONSE RECEIVED:


BACKGROUND INFORMATION & BASIS FOR AWARD:

This is the approved standardized device for the City of Lodi traffic signal cabinets. This device was approved by council action on April 15, 1998. It is the intent to keep extra controllers on hand for catastrophic failures.

FUNDING: Capitol Traffic Signal Maintenance 325051.7706

Prepared by: Curtis Juran

Title: Streets & Drainage Superintendent

Reviewed by: 

Purchase Order No. 19632

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Utility Bill Envelopes
DEPARTMENT: Financial Services
CONTRACTOR Pre-Sort Center Inc.
AWARD AMOUNT: \$15,488.90
DATE OF RECOMMENDATION: July 23, 2010

BIDS OR PROPOSALS RECEIVED:

Pre-Sort Center Inc.	\$15,488.90
Cenveo	\$15,757.88
Envelope Product	\$16,260.30
Response Envelopes	\$16,366.88

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Annual purchase for FY 2010/11 of Utility Bill Envelopes

FUNDING: 100505.7301

Prepared by: Sherry R. Moroz 

Title: Purchasing Technician

Reviewed by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR One Source Distribution
AWARD AMOUNT: \$11,371.41
DATE OF RECOMMENDATION: July 27, 2010

BIDS OR PROPOSALS RECEIVED:

One Source Distribution	\$11,371.41
WESCO Item 1 Only	
HD Supply Portland Items 1 & 2 Only	
HD Supply Benicia Items 1 & 2 Only	

Please see attached sheets for price breakdown.

"NO BID" or NO RESPONSE RECEIVED:

Intraline Inc
General Pacific

BACKGROUND INFORMATION & BASIS FOR AWARD:

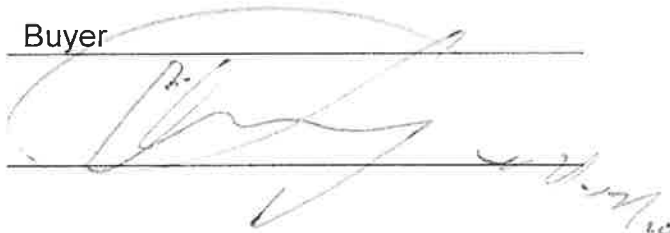
These inventory items will be used on the City's Electric System. They can be used for both new construction and repair of the existing system. One Source Distribution is the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt 

Title: Buyer

Reviewed
by:



Purchase Order No.: 19657

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Various City Projects:
Water Main Replacement Program #3
2010 Street Improvements Project
2010 Alley Reconstruction Project
2010 Storm Drain Project

DEPARTMENT: Public Works

CONTRACTOR Neil Anderson & Assoc. Inc

AWARD AMOUNT: \$ 15,500.00

DATE OF RECOMMENDATION: July 26, 2010

BIDS OR PROPOSALS RECEIVED:
Professional Services Agreement \$15,500.00

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Sole Proprietor for providing Professional Engineering Testing and Inspection Services on Various City Projects including: Water Main Replacement Program #3, 2010 Street Improvements Project, 2010 Alley Reconstruction Project and the 2010 Storm Drain Project.

FUNDING: 171041.1825.1900; 171405.1825.1850; 181678.1825.1800; 339011.7720

Prepared by: Gary Wiman

Title: Construction Project Manor

Reviewed by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory

DEPARTMENT: EUD

CONTRACTOR: AZCO

AWARD AMOUNT: \$15,451.20

DATE OF RECOMMENDATION: August 3, 2010

BIDS OR PROPOSALS RECEIVED:

AZCO

15,451.20

"NO BID" or NO RESPONSE RECEIVED:

HD Supply-Benicia
HD Supply Portland
General Pacific
Intraline
WESCO Distribution
One Source Distribution

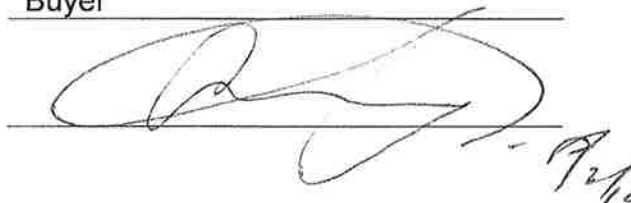
BACKGROUND INFORMATION & BASIS FOR AWARD:

These Service Boxes are for use on the City of Lodi's Electric System. These Service Boxes can be used for replacement of existing parts or in new construction. AZCO was the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:

Purchase Order No.: 19670

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: White Slough Laser Aligner Replacement
DEPARTMENT: Public Works
CONTRACTOR VibraAlign, Inc.
AWARD AMOUNT: \$19,936.25
DATE OF RECOMMENDATION: August 6, 2010

BIDS OR PROPOSALS RECEIVED:

VibraAlign, Inc.	\$19,936.25
Southern Maintenance Services	\$22,546.25
Reliability Point	\$22,546.25

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This purchase will involve the replacement of the laser alignment unit at the White Slough Treatment Facility. The unit being replaced is approximately 15 years old. It is near its usable life and no longer supported for maintenance or repair. The new unit is much more efficient and better for aligning the numerous pumps and motors at White Slough.

FUNDING: 1711201.7719

Prepared by: Del Kerlin 

Title: W,T, Superintendent

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Crackfill Maintenance Product
DEPARTMENT: PUBLIC WORKS, STREETS & DRAINAGE
CONTRACTOR VSS Emultech
AWARD AMOUNT: \$5,912.60
DATE OF RECOMMENDATION: August 6, 2010

BIDS OR PROPOSALS RECEIVED:

VSS Emultech	\$5,912.60
TRI-AMERICAN, INC.	\$6,312.94
Raynguard	\$6,777.20

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This is a maintenance product for sealing streets.

FUNDING: Measure K Maintenance 325028.7352

Prepared by: Curtis Juran

Title: Streets & Drainage Superintendent

Reviewed by: 

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory**DEPARTMENT:** EUD**CONTRACTOR** Jensen Precast**AWARD AMOUNT:** \$19,497.80**DATE OF RECOMMENDATION:** August 9, 2010

BIDS OR PROPOSALS RECEIVED:

Jensen Precast

\$19,497.80

"NO BID" or NO RESPONSE RECEIVED:

Utility Vault

BACKGROUND INFORMATION & BASIS FOR AWARD:

These Vaults and parts are for use in Reynolds Ranch/Costco project.
Utility Vault will not quote vaults or parts per their attached letter.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:A large, stylized handwritten signature in blue ink, likely belonging to Randy Lipelt, is written over a horizontal line. To the right of the signature, the word "Addo" is handwritten in blue ink.

Purchase Order No.: 19700



UTILITY VAULT™

a division of Oldcastle Products, Inc.

www.oldcastleprecast.com

Randy
City of Lodi
P.O. Box 3006
Lodi, CA 95241

As our phone conversation, Utility Vault will not supply a cover that will possibly go on another manufacturers vault or box. The reason for this has to do with liability. If another manufacturers vault happens to fail do to faulty engineering. Utility Vault would end up being involved in a lawsuit over their product defect. We price our vaults and covers as a package to protect the interest of ourselves and our customers. Therefore, we would be happy now, or in the future to quote product packages on new projects, or replacement product for Utility Vault products currently in the field. We will not however, be able to parcel out product on package price quotes. How we price is considered proprietary information. If you have questions or comments, please don't hesitate to call me at 925-383-9615.

Thank you,

Chad Crocker

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR HD Supply Portland
AWARD AMOUNT: \$10,235.55
DATE OF RECOMMENDATION: August 9, 2010

BIDS OR PROPOSALS RECEIVED:
HD Supply Portland 10,235.55

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

These Underground Electrical Parts are for use on the City of Lodi's Electric System. These Underground Electrical Parts can be used for replacement of existing parts or in new construction. The City of Lodi Specs Cooper Industries as the only approved manufacture for these items. HD Supply Portland Is the only responsible bidder approved by Cooper Industries. Please see attached letter from Cooper.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:



8/9/10

EXHIBIT O

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Demolition of Fire Station #2 Hose Tower
DEPARTMENT: Public Works, Facilities Services
CONTRACTOR: HDE Housley Demolition Excavation
AWARD AMOUNT: \$7,682.00
DATE OF RECOMMENDATION: August 10, 2010

BIDS OR PROPOSALS RECEIVED:

HDE Housley Demolition Excavation	\$7,682.00
Delta Oilfield Services, Inc.	\$8,520.00
Jim Thorpe, Inc.	\$8,944.00
Double B Demolition, Inc.	\$9,290.00
W.C. Maloney, Inc.	\$23,200.00
Diede Construction, Inc.	\$27,120.00

"NO BID" or NO RESPONSE RECEIVED:
N/A

BACKGROUND INFORMATION & BASIS FOR AWARD:

Contractor is to demolish the Fire Station #2 Hose Drying Tower, located at 705 E. Lodi Ave., per the Request for Proposal issued by the City of Lodi. Six proposals were received; Housley Demolition Excavation, of Visalia, was the lowest cost proposal.

FUNDING: 1211019.1825.2250

Prepared by: Dennis J. Callahan 

Title: Fleet & Facilities Manager

Reviewed by: 

Purchase Order No. 19704-000

Cooper Power Systems
PO Box 2198 / 412 Kimberly Brook
Stateline, NV 89449
Phone: (775) 588-4193
Cell: (775) 843-4231
email: jeanne.ward@cooperindustries.com



October 11, 2007

City of Lodi
1331 S. Ham Lane
Lodi, CA 95242

Attn: Mr. Randy Lipelt

RE: Cooper Power Systems
Authorized Distributors

Randy:

Cooper Power Systems has a Distributor Agreement policy, with which any distributor wishing to represent, bid and order Cooper products must comply. HD Supply Portland has fulfilled this policy and been an authorized distributor for Cooper Power Systems in Northern California and Nevada since 1988. No other distributor is authorized to sell Cooper products in this area.

These products include:

- RTE components (such as elbows, splices, 200 and 600amp)
- Fusing equipment (fuse links, current limiting fuses, fault indicators, etc)
- Arresters (overhead and elbow type)
- Switches (Kearney, capacitor or line switches)
- Cutouts, connectors and tools

In addition, HD Supply Portland is the authorized Agent to represent Cooper Power Systems in Northern California and Nevada for all Cooper products, including:

- Transformers (pole and padmount)
- Reclosers, regulators and relays
- Capacitors (units, banks and racks)
- Padmounted switchgear

At this time, HD Supply Portland is the only authorized distributor or agent in this area for Cooper products. Please let me know if I can provide any further information.

Regards,

A handwritten signature in black ink, appearing to read "J. Ward", is written over the printed name "Jeanne D. Ward".

Sr. Sales Engineer - Cooper Power Systems

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR One Source Distributors
AWARD AMOUNT: \$6,011.27
DATE OF RECOMMENDATION: August 9, 2010

BIDS OR PROPOSALS RECEIVED:

One Source Distributors	\$6,011.27
WESCO	\$6,812.10

"NO BID" or NO RESPONSE RECEIVED:

See attached sheet

BACKGROUND INFORMATION & BASIS FOR AWARD:

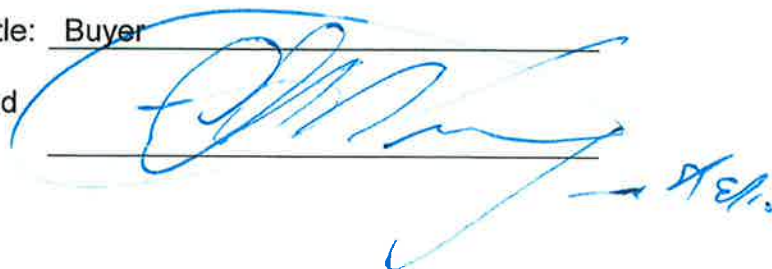
These Electrical Parts are for use on the City of Lodi's Electric System. These Electrical Parts can be used for replacement of existing parts or in new construction. One Source Distributors is the low responsible bidder.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:



Purchase Order No.: 19698

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Purchase 3 vests for SWAT Team
DEPARTMENT: Police
CONTRACTOR LC Action
AWARD AMOUNT: \$7,960.51
DATE OF RECOMMENDATION: 07222010

BIDS OR PROPOSALS RECEIVED:	
LC ACTION	\$7,960.51
BLUMENTHALS	\$8,622.54
ADAMSON POLICE PRODUCTS	\$10,766.25

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:
LC ACTION LOWEST BID

FUNDING: 101031.7306

Prepared by: Jeanie Biskup

Title: Management Analyst

Reviewed by: _____

Purchase Order No.

EXHIBIT R

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Playground Fibar Replacement

DEPARTMENT: Parks and Recreation

CONTRACTOR Stockton Wood Shavings

AWARD AMOUNT: \$5,398.14

DATE OF RECOMMENDATION: August 6, 2010

BIDS OR PROPOSALS RECEIVED:

Stockton Wood Shavings	\$5,398.14
Game Time	\$15,320.00

"NO BID" or NO RESPONSE RECEIVED:

Marr Playground Installation Co.

BACKGROUND INFORMATION & BASIS FOR AWARD:

The Parks Division contacted three vendors. Stockton Wood Shavings of Stockton was low bidder.

FUNDING: \$1,291.88 charged to 300202.7719 and \$4,106.26 charged to 107531.7352

Prepared by: Steve Dutra

Title: Park Superintendent

Reviewed by: _____

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Additional Work for the OMS System.**DEPARTMENT:** ELECTRIC UTILITY**CONTRACTOR:** Survalent Technology**AWARD AMOUNT:** \$ 11,800.00**DATE OF RECOMMENDATION:** 07-28-2010

BIDS OR PROPOSALS RECEIVED:

Survalent Technology
2600 Argenta road
Mississauga, Ontario
L5N 5V4 Canada

See Quote # Q10-07-1177 (Attached)
Sole source for reasons stated below

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

At the core of a outage management system is a detailed network model of the distribution system. The utilities Geographic Information System (GIS) is the source of this network model. By combining the locations of outage calls from customers, a rules engine is used to predict the locations of outages. The detailed three line by phase diagram is necessary for the OMS operation since it is currently performed manually on the basis of printed paper sheets. Therefore this detailed circuit data of all sheets which are available in Autocad® have to be manually entered into the Survalent GIS Database which is connected to the Survalent OMS®. This work includes the exact modeling of topological power flow by phase, all switching configurations, etc. Survalent Technologies is the recommended vendor because they are the software and database manufacturer of both SCADA and OMS.

FUNDING:Prepared by: Abel Palacio Sr,Title: Utility Operations SupervisorReviewed by: 

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: WindMil Additional Seating Licenses
DEPARTMENT: Electric Utility Department
CONTRACTOR Milsoft Utility Solutions
AWARD AMOUNT: \$7,600.00
DATE OF RECOMMENDATION: August 11, 2010

BIDS OR PROPOSALS RECEIVED:
Milsoft Utility Solutions \$7,600.00

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Last year we bought the Engineering Analysis program WindMil. Only one seat license was purchased. We need to buy two LandBase and two LightTable seat licenses in order to maintain the data. These licenses are only available through WindMil.

FUNDING: 160612.7369

Prepared by: Rafael Tapia

Title: Electrical Drafting Technician

Reviewed by: 

Purchase Order No.

EXHIBIT U

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Cottage Bakery Primary Metering
DEPARTMENT: Electric Utility
CONTRACTOR Genral Pacific
AWARD AMOUNT: \$7,523.51
DATE OF RECOMMENDATION: 8-10-10

BIDS OR PROPOSALS RECEIVED:

General Pacific	\$7,523.51
HD Supplu	\$8,171.48
GexPro	\$7,904.84

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Customer (Cottage Bakery) requested and will pay for primary metering; two metering points
(Council Res 2010-134)

FUNDING: 160613.7719

Prepared by: Ken Berg 

Title: Metering Electrician

Reviewed by: 

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: EUD
CONTRACTOR The Okonite Company
AWARD AMOUNT: \$11,680.61
DATE OF RECOMMENDATION: August 17, 2010

BIDS OR PROPOSALS RECEIVED:

The Okonite Company	\$11,680.61
Kerite C/O Pacific Utilities Supply	\$21,346.46

"NO BID" or NO RESPONSE RECEIVED:

HD Supply Portland
One Source Distribution

BACKGROUND INFORMATION & BASIS FOR AWARD:

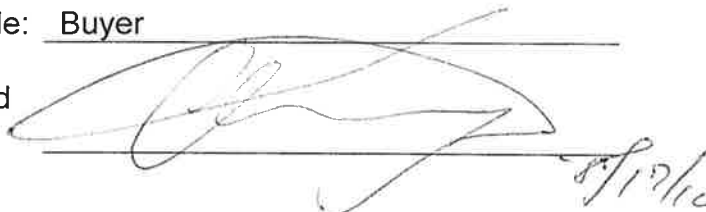
This wire is for use in Reynolds Ranch/Costco project.
This amount is so that the City of Lodi has enough wire in stock to finish the Work Order we have and to have a minimum quantity. The City will be going to formal bid for 25,000'. The quantity on this quote can be delivered within two weeks.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:



Purchase Order No.: 19731

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Sodium Hydroxide Purchase
DEPARTMENT: Public Works
CONTRACTOR Univar USA Inc.
AWARD AMOUNT: \$9,729.32
DATE OF RECOMMENDATION: August 20, 2010

BIDS OR PROPOSALS RECEIVED:

Univar USA Inc.	\$9,729.32
Brenntag Pacific	\$11,853.75
Sierra Chemical	\$12,941.25

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Sodium Hydroxide, also known as caustic soda, is needed to adjust the pH of the effluent discharged from the White Slough Treatment Facility. The pH is a measure of alkalinity of the water and must be maintained above 6.5 pH units to be in compliance with our discharge limits. Caustic is added on a as needed basis to insure this standard is met.

FUNDING: 170403.7355

Prepared by: Del Kerlin

Title: W.T. Superintendent

Reviewed by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Lathe Purchase
DEPARTMENT: Public Works
CONTRACTOR Grizzly Industrial Inc.
AWARD AMOUNT: \$14,958.07
DATE OF RECOMMENDATION: August 23, 2010

BIDS OR PROPOSALS RECEIVED:

Grizzly Industrial Inc.	\$14,958.07
Rayco	\$16,190.68
Enco	\$17,907.93

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This lathe will be used by the White Slough maintenance staff to complete various projects that the current lathe is too small to accomplish. Some of the task that currently cannot be done with the smaller lathe are turning material greater than 13 inch diameter and 40 inches in length. This will allow staff to produce items such as pump shafts which currently are purchased at great cost. In addition this lathe has a digital readout feature which will improve the quality of current tasks. This feature will enable staff to produce shear pins more accurately and much quicker than can currently be produced. The improvement in accuracy will result in less wasted material.

FUNDING: 1711201.7719

Prepared by: Del Kerlin 

Title: W.T. Superintendent

Reviewed by: _____

EXHIBIT Y

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Utility Bills, Delinquent and Final Notices
DEPARTMENT: Financial Services/Electric Utility
CONTRACTOR Western Printing & Graphics
AWARD AMOUNT: \$11,476.88
DATE OF RECOMMENDATION: August 25, 2010

BIDS OR PROPOSALS RECEIVED:

Western Printing & Graphics	\$11,476.88
Abrahamson Printing	\$11,547.12
American Solutions for Business	\$12,436.48
Pre-Sort of Stockton	\$14,175.07

"NO BID" or NO RESPONSE RECEIVED:

Safeguard Business Systems	No Bid
Duncan Press	No Response
Cook's Printing & Graphics	No Response

BACKGROUND INFORMATION & BASIS FOR AWARD:

Annual purchase for FY 2010/11 of Utility Bills, Delinquent and Final Notices

FUNDING: 100505.7301 & 160621.7301

Prepared by: Sherry R. Moroz 

Title: Purchasing Technician

Reviewed by: 

Purchase Order No. 19777



RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Fire Station 2 Antenna Relocation
DEPARTMENT: ISD
CONTRACTOR Delta Wireless
AWARD AMOUNT: \$6,129.59
DATE OF RECOMMENDATION: 8/25/10

BIDS OR PROPOSALS RECEIVED:
Delta Wireless \$6,129.59

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

Fire Station 2 hose tower is scheduled to be torn down. Two Police and Fire radio repeater antennas sitting on top of the tower must be moved before demolition could commence. Antennas moved to nearby EUD pole. Bidding process was dispensed with because of urgency of project. Delta Wireless is the City's current support provider and they were able to quickly submit a bid and perform the work.

FUNDING: 1211019.1825.2250

Prepared by: Steve Mann

Title: IS Manager

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Pickup Truck 07- 030 Purchase
DEPARTMENT: Parks and Recreation
CONTRACTOR Downtown Ford Sales of Sacramento
AWARD AMOUNT: \$17,440.90
DATE OF RECOMMENDATION: August 13, 2010

BIDS OR PROPOSALS RECEIVED:

Downtown Ford Sales of Sacramento	\$17,440.90
Big Valley Ford of Stockton	\$18,620.00
Sanborn Chevrolet, Inc of Lodi	\$21,848.61

UHaul of Fresno, CA (pre-owned)	\$17,064.25
---------------------------------	-------------


"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:


The Parks Division has a 1986 Chevrolet C30 pickup that is approximately 24 years old and has 91,951 miles thereby meeting the minimum replacement criteria of 10/15 years and or 120,000 miles. It was originally purchased in 1986 and assigned to the Fire Department but was transferred to the Parks Division in 1999. The cost of repairs and preventative maintenance to date are \$46,752.46. This 1986 Chevrolet pickup currently is in need of a new engine and other mechanical work which is estimated to cost up to \$8,000 to road ready this vehicle. Considering the cost of replacement versus the cost of ongoing maintenance, it is recommended this unit be replaced now.

Current State of California vehicle contract #1-10-23-20 is recommended to be used for this purchase

FUNDING: Vehicle Replacement Fund

Prepared by: Steve Dutra 

Title: Park Superintendent

Reviewed by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: White Slough Tertiary Filter Repair
DEPARTMENT: Public Works
CONTRACTOR Aqua-Aerobics Systems, Inc.
AWARD AMOUNT: \$7,945.38
DATE OF RECOMMENDATION: August 31, 2010

BIDS OR PROPOSALS RECEIVED:
Aqua Aerobics Systems, Inc.

\$7,945.38

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The filtration units are a major component used in the tertiary system for treating wastewater before it is discharged to Dredger Cut or used by our customers (NCPA and San Joaquin Vector Control District). Aqua-Aerobics Systems are the manufacturers of the components in the filters and the sole supplier for all the parts utilized in their system. A sole source letter from Aqua-Aerobics is attached. The filtration parts being purchased are needed to maintain proper operations and maintenance of the system. The filters have been online since January 2005 and the parts being replaced are due to normal system wear and tear. This purchase is mission critical to minimize discharge violations. The repair costs have been anticipated and are included in the 2010-2011 Wastewater Budget.

FUNDING: 170403.7331

Prepared by: Del Kerlin



Title: W. T. Superintendent

Reviewed by: _____

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Well #27
DEPARTMENT: Water
CONTRACTOR Ferguson Water Works
AWARD AMOUNT: \$8,979.49
DATE OF RECOMMENDATION: September 7, 2010

BIDS OR PROPOSALS RECEIVED:

Ferguson Water Works	\$8,979.49
Pace Supply	\$9,401.44
Corix Water Products	\$9,427.54
Groeniger & Company	\$10,059.38

"NO BID" or NO RESPONSE RECEIVED:

Center State Pipe & Supply


BACKGROUND INFORMATION & BASIS FOR AWARD:

This is material for the new well #27

FUNDING: 180.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:  9.7.10

Purchase Order No.:

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Water Inventory
DEPARTMENT: Water
CONTRACTOR Pace Supply
AWARD AMOUNT: \$6,738.34
DATE OF RECOMMENDATION: September 7, 2010

BIDS OR PROPOSALS RECEIVED:

Pace Supply	\$6,738.34
Corix Water Products	\$7,105.25
Groeniger & Company	\$7,795.20

"NO BID" or NO RESPONSE RECEIVED:

Center State Pipe & Supply
Ferguson Water Works


BACKGROUND INFORMATION & BASIS FOR AWARD:

This material is for the Water Inventory. It will be used for both new construction and replacement of worn out parts in the City of Lodi system. Pace Supply was the low responsible bidder.

FUNDING: 180.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by:  9.7.10

Purchase Order No.: 19801


RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Electric Inventory
DEPARTMENT: Electric Utility
CONTRACTOR ERMCO C/O Hess Enterprises
AWARD AMOUNT: \$6,368.40
DATE OF RECOMMENDATION: September 8, 2010

BIDS OR PROPOSALS RECEIVED:

ERMCO C/O Hess Enterprises	\$6,368.40
GEXPRO	\$8,123.63
HD Supply Portland	\$9,076.28

"NO BID" or NO RESPONSE RECEIVED:

WESCO
General Pacific

BACKGROUND INFORMATION & BASIS FOR AWARD:

These transformers are for the Electric Inventory. These are being replaced now because the last one in stock was used to replace a transformer that failed in service. ERMCO was the low responsible bidder and was awarded the Purchase for this reason.

FUNDING: 160.1496

Prepared by: Randy Lipelt

Title: Buyer

Reviewed
by: 

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Purchase of Ammunition
DEPARTMENT: Police
CONTRACTOR Adamson Police Products
AWARD AMOUNT: \$10,766.25
DATE OF RECOMMENDATION: 9/10/10

BIDS OR PROPOSALS RECEIVED:

Adamson Police Products
Hayward, CA

\$10,766.25

"NO BID" or NO RESPONSE RECEIVED:

Discount Shooter - unable to fill order of requested ammo
All State Police Equipment - Unable to fill order
M.A.H. Supplies -
Can fill partial order cost of AMMO PER BOX IS
38% over Adamson, PLUS SHIPPING COSTS

AMMUNITON TO GO - Unable to fill order

BACKGROUND INFORMATION & BASIS FOR AWARD:

Adamson has provided department ammunition in the past at a competitive price.

Because the ammunition is shipped directly from Winchester to Adamson in Hayward, it can be picked up by staff and saves hundreds of dollars in shipping costs.

All ammunition distributors listed by Winchester were contacted for a quote, with Adamson being the only distributor able to provide the amount of ammunition requested.

FUNDING: 101031.7306

Prepared by: Jeanie Biskup

Title: Management Analyst

Reviewed by: Angie Zimmerman

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Purchase and Replacement of an oil leaking Voltage Transformer in Industrial Substation

DEPARTMENT: Electric Utility Department

CONTRACTOR Kuhlman Electric Corporation

AWARD AMOUNT: \$5,357.03

DATE OF RECOMMENDATION: 07-21-10

BIDS OR PROPOSALS RECEIVED:
Kuhlman Electric Corp \$5,357.03

"NO BID" or NO RESPONSE RECEIVED:
Sole source of same type replacement & vendor

BACKGROUND INFORMATION & BASIS FOR AWARD:

One 60kv VT is leaking oil. Cost of repair includes repair, parts, materials, supplies, and travel expenses (air fare, lodging, per diem, OT) for Kuhlman Personnel to fix on site. Staff found that replacing VT is cheaper and will have brand new 60kv equipment in operation.

FUNDING: 160652.7352

Prepared by: Weldat Haile

Title: Sen. Power Engineer

Reviewed by: 

Purchase Order No.


10/18/10

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Centerprise ETL Upgrade
DEPARTMENT: Internal Services/ISD
CONTRACTOR: Astera Software
AWARD AMOUNT: \$9,000.00
DATE OF RECOMMENDATION: 9/21/10


BIDS OR PROPOSALS RECEIVED: Astera Software \$9,000.00

“NO BID” or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

This is a software upgrade to a system the city already owns and relies upon. The product is only available from the manufacturer and there are no known resellers, thus a sole source.

FUNDING: 100411.7313

Prepared by: Steve Mann 

Title: IS Manager

Reviewed by: 

EXHIBIT II

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Kubota Turf Truckster
DEPARTMENT: Park and Recreation Department
CONTRACTOR Big Valley Tractor located at Bobcat Central, Inc of Stockton
AWARD AMOUNT: \$11,158.00
DATE OF RECOMMENDATION: September 8, 2010

BIDS OR PROPOSALS RECEIVED:
Bobcat Central, Inc. of Stockton \$11,158.00
Dolk Tractor Company of Rio Vista, CA \$11,830.25

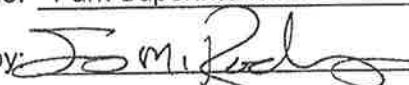
"NO BID" or NO RESPONSE RECEIVED:
Sacramento for Tractors, Inc. of Sacramento

BACKGROUND INFORMATION & BASIS FOR AWARD:
Three vendors were contacted regarding a purchase of a Kubota Turf Truckster equipped road ready, VHT plus transmission, 46.7" flat bed with sides and tailgate and turf tires.

FUNDING: Vehicle Replacement Fund

Prepared by: Steve Dutra

Title: Park Superintendent

Reviewed by: 

Purchase Order No.

RECOMMENDATION FOR CONTRACT AWARD

PROJECT NAME: Web Filter Replacement
DEPARTMENT: Internal Svcs/ISD
CONTRACTOR: J4Systems
AWARD AMOUNT: \$10,542.45
DATE OF RECOMMENDATION: 9/29/10

BIDS OR PROPOSALS RECEIVED:

J4Systems	\$10,542.45
ECNETSERV.Com	\$11,527.65
Barracuda Networks	\$12,395.32

"NO BID" or NO RESPONSE RECEIVED:

BACKGROUND INFORMATION & BASIS FOR AWARD:

The City's current web filter appliance is several years old and insufficient to handle today's traffic volumes. The new appliance is the next step larger and provides more performance capability and network throughput.

FUNDING: ISD Replacement Fund - 123001.7715

Prepared by: Steve Mann

Title: IS Manager

Reviewed by:



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept the Quarterly Investment Report as Required by Government Code Section 53646 and the City Of Lodi Investment Policy

MEETING DATE: November 17, 2010

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Accept the Quarterly Investment Report as required by Government Section Code 53646 and the City of Lodi Investment Policy.

BACKGROUND INFORMATION: Government Code Section 53646 and the City of Lodi Investment Policy require a quarterly report on investments be submitted to the legislative body of the local agency.

The total of all invested funds as of the quarter ending September 30, 2010 is \$71,253,005.68. The average annualized return on all invested funds over the quarter has been 0.53 percent.

FISCAL IMPACT: Not Applicable.

FUNDING AVAILABLE: As per attached report.

Jordan Ayers
Treasurer

Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager



**CITY OF LODI
INTERNAL SERVICES DEPARTMENT
BUDGET DIVISION**

September 30, 2010 INVESTMENT STATEMENT

Local Agency Investment Funds *	77.6% of Portfolio	
Average interest earnings as of 06-30-10	0.51%	
LODI	Local Agency Inv Fund (LODI)	31,250,511.49
LPIC	Local Agency Inv Fund (LPIC)	24,064,640.84
	Subtotal LAIF	55,315,152.33
 Certificates of Deposit	 0.7% of Portfolio	
matures 03/08/2011	Bank of Ag. & Comm. (cost) 1.21% int.	250,000.00
matures 03/03/2011	UMPQUA Bank (cost) 1.26% int.	250,000.00
	Subtotal CD	500,000.00
 Passbook/Checking Accounts	 21.7% of Portfolio	
Farmers & Merchants	demand account - no interest earnings	**7,746,602.09
Farmers & Merchants - Money Mkt.	0.55% interest earnings	91,120.84
Farmers & Merchants - Payroll	demand account - no interest earnings	26,460.34
Farmers & Merchants - Central Plume	demand account - no interest earnings	23,369.00
Farmers & Merchants - CP Money Mkt.	0.55% interest earnings	7,550,301.08
	Subtotal P/C Accts	15,437,853.35
	TOTAL	\$78,287,171.72

Based on the approved budget and to the extent the budget is adhered to, liquidity is available, and the City will be able to meet its expenditure requirements for the next six months. This portfolio is in compliance with the City of Lodi Investment Policy.

Kirk J Evans
Management Analyst

10/19/10
Date

* In accordance with the terms of the Local Agency Investment Fund, invested funds may be utilized on the same day if transaction is initiated before 10:00 a.m.

** This amount is a compensating balance required to obtain an earnings credit rate.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving the City of Lodi Annual Investment Policy and Internal Control Guidelines

MEETING DATE: November 17, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt resolution approving the City of Lodi Annual Investment Policy and internal control guidelines.

BACKGROUND INFORMATION: California Government Code Section 53646 endorses an annual review of the City's investment policy by City Council. Accordingly, the attached policy is presented for Council review and approval.

Changes are recommended to the Policy that will update job classifications and regulatory oversight bodies are shown in the attached policy by strikethroughs. The Policy is in compliance with State laws governing the investment of local agency funds and provides internal control guidelines to protect City of Lodi funds from misappropriation, speculation and fraud. The objectives of Lodi's Investment Policy remain, in priority order: safety, liquidity, and return. As part of the audit practices of the City's audit firm (Macias Gini & O'Connell LLP) the Policy has been found to be in compliance with the requirements of Government Code Section 53601.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not Applicable.

Jordan Ayers
Treasurer

Attachment

APPROVED: _____
Konradt Bartlam, City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY
COUNCIL ADOPTING THE CITY OF LODI
ANNUAL INVESTMENT POLICY AND
INTERNAL CONTROL GUIDELINES

=====

WHEREAS, California Government Code Section 53646 endorses an annual review of a local agencies' investment policy by the local legislative body; and

WHEREAS, the City of Lodi Investment Policy requires that the Investment Policy be annually reviewed and adopted by resolution; and

WHEREAS, the Policy, on file in the office of the City Clerk, is in compliance with State laws governing the investment of local agency funds and provides internal control guidelines to protect the funds of the City from misappropriation, speculation, and fraud.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi has reviewed and hereby adopts the City of Lodi Annual Investment Policy and Internal Control Guidelines, which shall be effective this date.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____

CITY OF LODI

INVESTMENT POLICY
AND
INTERNAL CONTROL GUIDELINES



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INVESTMENT POLICIES

INVESTMENT POLICY

1. INTRODUCTION

The purpose of this policy is to state the City's policies and procedures to be used for the investment of surplus funds in a prudent and systematic manner conforming to all state and local statutes governing the investment of public funds. Safety of principal is given the highest priority. In addition, this statement is intended to formalize investment-related activities to provide the highest investment return with maximum security while meeting daily cash flow demands.

2. SCOPE

The investment policy applies to all funds under the direct authority of the Deputy City Manager/City Treasurer of the City of Lodi, including but not limited to the General Fund, Special Revenue Funds, Capital Project Funds, Enterprise Funds, Internal Service Funds and Trust and Agency Funds. All funds are accounted for in the City's Comprehensive Annual Financial Report. This policy is generally applicable to bond proceeds with consideration given to specific provisions of each issuance.

3. OBJECTIVES

Funds of the City will be invested with the following objectives in priority order:

Safety:

Safety of principal is the foremost objective of the investment program. Investments of the City of Lodi shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. The City of Lodi will diversify its investments by security type and institution. Financial institutions and broker/dealers will be pre-qualified and monitored as well as investment instruments they propose.

Liquidity:

The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This will be accomplished through maturity diversification in accordance with California Government Code 53635 and the State Local Agency Investment Fund with immediate withdrawal provision.

INVESTMENT POLICY

Return on Investments:

The City's investment portfolio shall be invested to achieve a "bench marked average" rate of return through economic cycles, that will protect these funds from the effects of inflation and the risks associated with higher returns, as long as it does not diminish the objectives of Safety and Liquidity, while preserving and protecting capital in the overall portfolio.

The "bench marked average" rate of return targeted to achieve this objective is the annual rate of return on the one-year U.S. Treasury Bill. Whenever possible and in a manner consistent with the objectives of safety of principal and liquidity, a yield higher than the "bench marked average" rate of return shall be sought.

4. DELEGATION OF AUTHORITY

The Treasurer is designated by the authority of the legislative body as the investment officer of the City as provided for in Government Code Section 53607 and is responsible for the investment decisions and activities of the City. The Treasurer will develop and maintain written administrative procedures for the operation of the investment program, consistent with this investment policy. The Treasurer shall hereafter assume full responsibility for such transactions until such time as the delegation of authority is revoked, and shall make a monthly report of such transactions to the legislative body. In order to optimize total return through active portfolio management, daily activity may be delegated to the [Senior Budget Analyst](#) Manager.

5. PRUDENCE

The standard of prudence to be applied by the Treasurer will be the "prudent investor" standard, in accordance with Government Code Section 53600.3 which states "...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

INVESTMENT POLICY

6. ETHICS AND CONFLICTS OF INTEREST

The City Treasurer is governed by The Political Reform Act of 1974 regarding disclosure of material financial interests as well as Government Code Section 87103. The City Treasurer shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair the ability to make impartial investment decisions.

7. MONITORING AND ADJUSTING THE PORTFOLIO

The Treasurer will routinely monitor the contents of the portfolio, the available markets and the relative values of competing instruments, and will adjust the portfolio accordingly.

8. INTERNAL CONTROLS

The Treasurer will establish a system of written internal controls, which will be reviewed annually by the City's independent audit firm. The controls will be designed to prevent loss of public funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions.

9. REPORTING

The Treasurer will submit a quarterly investment report to the City Council, in accordance with Government Code Section 53646, to disclose the following information:

- A listing of individual securities held at the end of the reporting period by authorized investment category.
- Percentage of the portfolio represented by each investment category.
- Institution
- Average life and final maturity of all investments listed.
- Coupon, discount or earnings rate.
- Par value or cost of the security
- Current market value of securities with maturity in excess of 12 months and the source of this valuation.
- Ability of the city to meet its expenditure requirements for the next six months or provide an explanation of why sufficient funds will not be available as required by Gov. Code 53646 (b)(3).

The quarterly investment report to the Lodi City Council, acting legislative authority, as required by Government Code Section 53646, will be in addition to the Treasurer's monthly report and accounting of all receipts, disbursements and fund balances.

INVESTMENT POLICY

In addition, the investment policy will be submitted to the City Council annually in November. Any changes will be noted and formal adoption in the form of a resolution of the City Council is required.

10. AUTHORIZED INVESTMENTS

The City will invest surplus funds not required to finance the immediate needs of the City as provided in California Government Code Sections 16429.1, 53601, 53601.6, 53601.7, 53601.8, 53635, 53635.2, 53638 and 53684. In selecting authorized investments consideration must be given to credit ratings and collateralization of applicable instruments. A list of these instruments is provided below. These limitations, diversification and maturity scheduling will depend upon whether the funds being invested are considered short-term or long-term funds. All funds will be considered short-term except those reserved for capital projects (i.e. bond sale proceeds) and special assessment prepayments being held for debt retirement.

Pooled Accounts

The City of Lodi is authorized by policy, to invest in the Local Agency Investment Fund (LAIF), a voluntary program created by statute, which began in 1977 as an investment alternative for California's local governments and special districts and continues today under the State Treasurer's Administration. The enabling legislation of the LAIF is Section 16429.1,2,3 of the California Government Code.

The LAIF is part of the Pooled Money Investment Account (PMIA). The PMIA began in 1953 and has oversight provided by the Pooled Money Investment Board (PMIB) and an in-house Investment Committee. The PMIB members are the State Treasurer, Director of Finance, and State Controller.

All securities are purchased under the authority of Government Code Section 16430 and 16480.4. The State Treasurer's Office takes delivery of all securities purchased on a delivery versus payment basis using a third party custodian. All investments are purchased at market and market valuation is conducted monthly.

It has been determined that the State of California cannot declare bankruptcy under Federal regulations, thereby allowing the Government Code Section 16429.3 to stand. This Section states that "money placed with the state treasurer for deposit in the LAIF shall not be subject to either: (a) transfer or loan pursuant to Sections 16310, 16312, or 16313, or (b) impoundment or seizure by any state official or state agency."

The LAIF provides a book entitled "The Local Agency Investment Fund Answer Book" which resides in the City of Lodi Treasurer's office and provides current answers to the following questions, which are required prior to investing in any pooled/fund account.

INVESTMENT POLICY

- A description of eligible investment securities and a written statement of investment policy and objectives.
- A description of interest calculations and how it is distributed, and how gains and losses are treated.
- A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- A schedule for receiving statements and portfolio listing.
- A fee schedule and when and how it is assessed.
- Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

Short-Term Portfolio Diversification

The City will diversify use of investment instruments to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions or maturities.

Where this section does not specify a limitation on the term or remaining maturity at the time of the investment, no investment will be made in any security which at the time of the investment has a term remaining to maturity in excess of five years, unless the City Council has granted express authority to make that investment either specifically or as part of an investment program and approved by the City Council no less than three months prior to the investment.

Permitted Investments	Maximum Maturity	Percent of Portfolio
U.S. Treasury Obligations (Bills, notes and bonds)	5 Years	100%
U.S. Government Agency Securities and Instrumentalities	5 Years	100%
Bankers Acceptances	180 days	40%
Certificates of Deposit	5 Years	100%
Negotiable Certificates of Deposit	5 Years	30%
Commercial Paper	270 days	40%
California State Local Agency Investment Fund	Indefinite	100%
Passbook Deposits	Indefinite	100%
Repurchase Agreements	Not Authorized	N/A
Reverse Repurchase agreements	Not Authorized	N/A
Mutual Funds	Indefinite	20%
Medium Term Notes	5 Years	30%

INVESTMENT POLICY

The City Treasurer will not invest in Repurchase Agreements and Reverse Repurchase agreements. Pooled funds invested for the City by entities such as California State Local Agency Investment Fund, and NCPA may invest in repurchase and reverse repurchase agreements. If repurchase agreements are legal and authorized, by policy, a Master Repurchase Agreement must be signed with the bank or dealer.

Diversification by Financial Institution

Bankers' Acceptances (Bas)

No more than 25% of the total portfolio with any one institution.

Certificates of Deposit (CDs)

No more than 33% of the total portfolio with any one institution.

California State Local Agency Investment Fund

No more than \$50 million in any one account, effective November 16, 2009.

Maturity Scheduling

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (payroll, bond payments) as well as considering sizable blocks of anticipated revenue (taxes, franchise fees). Maturities in this category will be timed to comply with the following guidelines:

Under 30 days	10% minimum
Under 90 days	25% minimum
Under 270 days	50% minimum
Under 1 year	75% minimum
Under 18 months	90% minimum
Under 2 years	95% minimum
Under 5 years	100% minimum

Long-Term Portfolio Diversification

Investments and diversification for the long-term portfolio will be the same as the short-term portfolio. Maturity scheduling will be timed according to anticipated need. For example, investment of capital project funds will be timed to meet contractor payments, usually for a term not to exceed three years. Investment of prepaid assessment funds will be tied to bond payment dates, after cash flow projections are made using a forecasting model which considers prepayment rate, delinquency rate, interest on bonds and income on investments.

11. BANKS AND SECURITY DEALERS

The Treasurer will consider the credit worthiness of institutions in selecting financial institutions for the deposit or investment of City funds. These institutions will be monitored to ensure their continued stability and credit worthiness.

INVESTMENT POLICY

Investment transactions will only be made with pre-approved financial institutions. Banks will provide their most recent Consolidated Report of Condition (“call report”) at the request of the Treasurer.

The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will be maintained of approved security brokers/dealers selected for credit worthiness, who maintain an office in the State of California. This includes primary dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with the following:

- Audited financial statements
- Proof of [Financial Industry Regulatory Authority registration](#)~~National Association of Security Dealers Certification.~~
- Trading Resolution
- Proof of State Registration
- Completed broker/dealer questionnaire
- Certification of having read the City of Lodi’s investment policy and depository contracts.

An annual review of the financial condition and registration of qualified bidders will be conducted by the Treasurer. The City will not normally use more than three qualified dealer/brokers to obtain bids.

12. PURCHASE OF CDs FROM LOCAL INSTITUTIONS

To the extent reasonable and within the limits specified above, the Treasurer may purchase a Certificate of Deposit, up to the amount fully insured by the Federal Deposit Insurance Corporation (FDIC), from each bank and savings and loan institution located within the corporate limits of the City to promote economic development and as a statement of support for those institutions maintaining an office in Lodi. These investments are limited to those institutions which offer Certificates of Deposit insured by the Federal Deposit Insurance Act and have a Community Reinvestment Act Rating of satisfactory or above.

To aid in the diversification of the portfolio, additional Certificates of Deposit in amounts up to fully insured FDIC limits, may be purchased from local institutions provided the investment has the safety, liquidity and a rate of return comparable to that offered from LAIF at the time the original investment is made.

INVESTMENT POLICY

13. SAFEKEEPING AND COLLATERIALIZATION

All investment securities purchased by the City will be held in third-party safekeeping by an institution designated as primary agent. The custodian will hold these securities in a manner that establishes the City's right of ownership. The primary agent will issue a safekeeping receipt to the City listing the specific instruments, rate, maturity and other pertinent information. Deposit type securities (i.e., certificates of deposit) will be collateralized.

Collateral for time deposits in savings and loans will be held by the Federal Home Loan Bank or an approved Agent of Depository. If collateral is government securities, 110% of market value to the face amount of the deposit is required. Promissory notes secured by first mortgages and first trust deeds used as collateral require 150% of market value to the face amount of the deposit. An irrevocable letter of credit issued by the Federal Home Loan Bank of San Francisco requires 105% of market value to the face amount of the public deposit.

The collateral for time deposits in banks should be held in the City's name in the bank's Trust Department, or alternately, in the Federal Reserve Bank. The City may waive collateral requirements for deposits which are fully insured up to limits prescribed by the FDIC.

The amount of securities placed with an agent of depository will at all times be maintained in accordance with California Government Code 53652.

14. ADMINISTRATION

The following administrative policies will be strictly observed:

a. Payment

All transactions will be executed on a delivery versus payment basis which should be done by the City's safekeeping agent.

b. Bid

A competitive bid process in which three competitive bids are obtained, when practical, will be used to place all investment purchases. If a specific maturity date is required, either for cash flow purposes or for conformance to maturity guidelines, bids will be requested for instruments which meet the maturity requirement. If no specific maturity is required, a market trend (yield curve) analysis will be conducted to determine which maturities would be most advantageous.

c. Wire Transfers

All wire transfers will be approved by the Treasurer or [Senior Budget Analyst](#) ~~Manager~~. The City's bank will verify each transaction with a predetermined City employee other than the individual sending the wire transfer.

INVESTMENT POLICY

Pre-formatted wire transfers will be used to restrict the transfer of funds with preauthorized accounts only.

d. Confirmations

Receipts for confirmation of a purchase of authorized securities should include the following information: trade date; par value; maturity; rate; price; yield; settlement date; description of securities purchased; net amount due; third-party custodial information. Confirmations of all investment transactions are to be received by the Treasurer within three business days.

e. Pooled Cash

The City will consolidate into one bank account and invest on a pooled concept basis. Interest earnings will be allocated monthly based on current cash balances.

**INTERNAL
CONTROL**

INTERNAL CONTROLS

GENERAL

Through this system of internal control, the City is adopting procedures and establishing safeguards to prevent or limit the loss of funds invested or held for investment due to errors, losses, misjudgments and improper acts. Internal control procedures are not intended to address every possible situation but are intended to provide a reasonable and prudent level of protection for the City's funds.

1. Objectives

These procedures and policies are established to ensure:

- the orderly and efficient conduct of investment practices, including adherence to investment policies
- the safeguarding of surplus cash
- the prevention or detection of errors and fraud
- the accuracy and completeness of investment records
- the timely preparation of reliable investment reports.

2. General Control Policies

The following policies are to be used to safeguard investments:

- **Organization**

A description of responsibilities and procedures for the investment of City funds, lines of authority and reporting requirement will be maintained.

- **Personnel**

Only qualified and assigned personnel will be authorized to approve investment transactions; make and liquidate investments; maintain investment records; and maintain custody of negotiable instruments. Personnel assigned responsibility for the investment of City surplus funds will maintain their professional qualifications by continued education and membership in professional associations.

- **Segregation of functions**

No one having general ledger functions will have responsibility for the investment of City funds.

- **Safekeeping**

All securities are to be held in the name of the City of Lodi. The City will contract with a third party, usually a bank, to provide custodial services and securities safekeeping. Although a cost is involved, the risk of losing physical securities outweighs the fees involved. Preference should be given to custodial services which include reporting services as part of their service, including marking the portfolio to market value, performance evaluation and internal reporting.

INTERNAL CONTROLS

- **Reconciliation of records**

Regular and timely reconciliation will be made of detailed securities records with the general ledger control account.

- **Performance evaluation**

Performance statistics will be maintained and reported monthly as provided in the Investment Policies. The indices to be used is the rate of return for the one-year U.S. Treasury Bill and the annual rate of return for the Local Agency Investment Fund (LAIF) managed by the State Treasurer's Office.

PROCEDURES

1. Assigned Responsibilities

a. City Council responsibilities:

- Adoption of City's investment policies by Resolution
- Review and evaluation of investment performance.

b. Deputy City Manager/Treasurer duties and responsibilities:

- Formulating, recommending and implementing the City's investment policies
- Approves all investment transactions prior to execution of any transaction
- Approves broker/dealer arrangements.

c. ~~Senior Budget Analyst~~ Manager duties and responsibilities:

- Recommends broker/dealer arrangements
- Recommends investments
- Executes investment transactions
- Maintains records of all investment transactions
- Prepares monthly investment report for City Council review
- Prepare fiscal year end investment reports for City's independent audit firm review
- Review's financial condition of the City's depositories (banks) at least annually for compliance with collateralization requirements under government code and financial condition and reports results to City Treasurer.

d. Financial Services Manager duties and responsibilities:

- Maintains general ledger control account and duplicate records of investment transactions
- Verifies investment records and reconciles detailed securities records with general ledger control accounts.

e. City's independent audit firm.

- Will review the City's investment policies and procedures and make appropriate recommendations and findings as to compliance and steps to be taken to improve internal controls.

TREASURY FUNCTION RESPONSIBILITIES

FUNCTION	RESPONSIBILITIES
1. Recommendations:	
<ul style="list-style-type: none"> • Recommends broker/dealer arrangements • Recommends investments 	Senior Budget Analyst Manager Senior Budget Analyst Manager
2. Authorization of Investment Transactions	
<ul style="list-style-type: none"> • Formal investment policy prepared by • Formal investment policy approved by • Investment transactions approved by • Broker/deal arrangements approved by 	Deputy City Manager/Treasurer City Council Deputy City Manager/Treasurer Deputy City Manager/Treasurer
3. Execution of Investment Transactions	Senior Budget Analyst Manager
4. Recording of Investment Transactions	
<ul style="list-style-type: none"> • Recording of transactions in Treasurer's records • Recording of transactions in Accounting records 	Senior Budget Analyst Manager Financial Services Manager
5. Safeguarding of assets and records	
<ul style="list-style-type: none"> • Maintenance of Treasurer's records • Reconciliation of Treasurer's records to accounting records • Review of (a) financial institution's financial condition, (b) safety, liquidity, and potential yields of investment instruments, and (c) reputation and financial condition of investment brokers 	Senior Budget Analyst Manager Financial Services Manager Senior Budget Analyst Manager
<ul style="list-style-type: none"> • Periodic reviews of collateral • Review and evaluation of performance 	Senior Budget Analyst Manager City Council
6. Preparation of reports	Senior Budget Analyst Manager
7. Periodic review of investment portfolio for conformance to City's investment policy	City's Audit Firm

**SAMPLE
INVESTMENT FORMS**

CITY OF LODI
INVESTMENT BID SHEET

Date: _____

Cycle to:
Management Analyst _____
Fin Services Manager _____

	Transaction #1		Transaction #2		Transaction #3	
	Invest	Withdraw	Invest	Withdraw	Invest	Sell
Recommended Selection						
Primary Dealer						
Quotes						
Firm						
Dealer						
Telephone #						
Security Type						
Price						
Maturity Date						
1st Call Date						
Yield to Maturity						
Purchase Price						
Cusip #						
Principal						
Discount						
Accrued Interest						
Interest Rate						
Interest Period						
Risk Category						
Trade Date						
Settlement Date						
Calculation						
Invstmnt.—Fund #						
Investment Fund #						
Issuer Code						
Cert.Acct. #						
Term of Days						

ME (Month end in advance)
AE (Month end in arrears)
M (Monthly in advance)
AM (Monthly in arrears)
QE (Quarter end)
S (Semi-annual Actual)
SC (Semi-Annual Equal)
MA (Maturity)
MD (Maturity Discount)
LAIF BALANCE

Approval:
Management Analyst: _____

Fin Svcs Manager: _____

Approval Date: _____

Transaction Date: _____

Comments: _____

Conf #: _____

BROKER/DEALER QUESTIONNAIRE

CITY OF LODI TREASURER'S OFFICE

P. O. Box 3006
Lodi, California 95241

1. Name: _____
2. Branch Address: _____
3. Telephone No: _____
4. Primary Account Representative _____
Name: _____
Title: _____
Telephone #: _____
5. Is your firm a primary dealer in US Government Securities Y/N _____
6. Identify the personnel who will be trading with or quoting securities to our agency's employees:

Name	Title	Telephone #
_____	_____	_____
_____	_____	_____
_____	_____	_____
7. Ntl. Headquarters Address: _____
Corporate Contact: _____
Phone: _____
Compliance Officer (Name, Address, Phone): _____
8. What was your firm's total volume in US Government and Agency securities trading last calendar year?

9. Which securities are offered by your firm?

- | | |
|---|--|
| <input type="checkbox"/> US Treasury | <input type="checkbox"/> Negotiable CDs |
| <input type="checkbox"/> US Treasury Notes | <input type="checkbox"/> Commercial Paper |
| <input type="checkbox"/> US Treasury Bonds | <input type="checkbox"/> BAs Domestic |
| <input type="checkbox"/> Agencies (specify) | <input type="checkbox"/> BAs Foreign |
| | <input type="checkbox"/> Repurchase Agreements |
| | <input type="checkbox"/> Reverse Repurchase Agreements |

10. List your personnel who have read the City of Lodi Treasurer's Investment Policy

11. Please identify your public-sector clients in our geographical area who are most comparable to our government with which you currently do business.

12. Have any of your clients ever sustained a loss on a securities transaction arising from misunderstanding or misrepresentation of the risk characteristics of the instrument? If so, please explain.

13. Have any of your public-sector clients ever reported to your firm, its officers or employees, orally or in writing, that they sustained a loss exceeding 10% of the original purchase price in a single year on any individual security purchased through your firm? Explain.

14. Has your firm ever been subject to a regulatory or state/federal agency investigation for alleged improper, fraudulent, disreputable or unfair activities related to the sale of securities? Have any of your employees ever been so investigated? Explain.

15. Has a public sector client ever claimed in writing that your firm or members of your firm were responsible for investment losses?

16. Please include samples of research reports that your firm regularly provides to public-sector clients.

17. Please explain your normal delivery process. Who audits these fiduciary systems?
18. Please provide certified financial statements and other indicators regarding your firm's capitalization.
19. Describe the capital line and trading limits that support/limit the office that would conduct business with our government.
20. What training would you provide to our employees and investment officers?
21. Has your firm consistently complied with the Federal Reserve Bank's capital adequacy guidelines? As of this date, does your firm comply with the guidelines? Has your capital position every fallen short? By what factor (1.5x, 2x, etc.) Does your firm presently exceed the capital adequacy guidelines, measure of risk? Include certified documentation of your capital adequacy as measured by the Federal Reserve standards.
22. Do you participate in the Securities Investor Protection Corporation (SIPC) insurance program? If not, why?
23. What portfolio information do you require from your clients?
24. What reports, confirmations and paper trail will we receive?
25. Enclose a complete schedule of fees and charges for various transactions.
26. How many and what percentage of your transactions failed last month? Last year?
27. Describe the precautions taken by your firm to protect the interest of the public when dealing with governmental agencies as investors.
28. Is your firm licensed by the State of California as a broker/dealer? Y/N

CERTIFICATION ATTACHED

CERTIFICATION

I hereby certify that I have personally read the latest adopted resolution of investment policies and objectives of the City of Lodi Treasurer and the California Government Codes pertaining to the investments of the City of Lodi, and have implemented reasonable procedures and a system of controls designed to preclude imprudent investment activities arising out of transactions conducted between our firm and the City of Lodi. All sales personnel will be routinely informed of the City of Lodi's investment objectives, horizon, outlook, strategies and risk constraints whenever we are so advised. We pledge to exercise due diligence in informing the City of Lodi of all foreseeable risks associated with financial transactions conducted with our firm. I attest to the accuracy of our responses to your questionnaire.

SIGNED _____ TITLE _____ DATE _____

COUNTERSIGNED _____ DATE _____
(Person in charge of government securities operations)

NOTE: Completion of Questionnaire is only part of the City of Lodi's Certification process and DOES NOT guarantee that the applicant will be approved to do business with the City of Lodi.

On this _____ day of _____, 20____ before me

the undersigned Notary Public, personally appeared

() personally known to me

() proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged that _____ executed it.

State of _____

County of _____

WITNESS my hand and official seal.

Notary's Signature _____

GLOSSARY

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

AGENT: an agent is a firm or individual which executes orders for others or acts on behalf of others (the principal). The agent is subject to the control of the principal and does not have title to the principal's property. The agent may charge a fee or commission for this service.

AGENCIES: federal agency securities and/or Government-sponsored enterprises.

AGREEMENT: an agreement is an arrangement or understanding between individual traders to honor market quotes within predetermined limits on dollar amount and size.

AMORTIZATION: straight-line reduction of debt by means of periodic payments sufficient to meet current interest charges and to pay off the debt at maturity.

ARBITRAGE: a technique used to take advantage of price differences in separate markets. This is accomplished by purchasing securities, negotiable instruments or currencies in one market for immediate sale in another market at a better price.

ASKED: the price at which securities are offered.

AT THE MARKET: a trading term for the buying or selling of securities at the current market price rather than at a predetermined price.

BANKERS ACCEPTANCE (BA): a bearer time draft for a specified amount payable on a specified date. An individual or business seeking to finance domestic or international trade draws it on a bank. Commodity products collateralize the BA. Sale of goods is usually the source of the borrower's repayment to the bank. The bank finances the borrower's transaction and then often sells the BA on a discount basis to an investor. At maturity, the bank is repaid and the investor holding the BA receives par value from the bank.

BASIS PRICE: price expressed in yield-to-maturity or the annual rate of return on the investment.

BEAR MARKET: a period of generally pessimistic attitudes and declining market prices. (Compare: Bull market)

BELOW THE MARKET: a price below the current market price for a particular security.

BID AND ASKED OR BID AND OFFER: the price at which an owner offers to sell (asked or offer) and the price at which a prospective buyer offers to buy (bid). It is often referred to as a quotation or a quote. The difference between the two is called the spread.

BOND: an interest-bearing security issued by a corporation, government, governmental agency or other body, which can be executed through a bank or trust company. A bond is a form of debt with an interest rate, maturity, and face value, and is usually secured by specific assets. Most bonds have a maturity of greater than one year, and generally pay interest semiannually.

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

BOND ANTICIPATION NOTE (BAN): short-term notes sold by states and municipalities to obtain interim financing for projects which will eventually be financed by the sale of bonds.

BOND DISCOUNT: the difference between a bond's face value and a selling price, when the selling price is lower than the face value.

BOND RATING: the classification of a bond's investment quality. (See: Rating).

BOND RESOLUTION: a legal order or contract by a governmental unit to authorize a bond issue. A bond resolution carefully details the rights of the bondholders and the obligation of the issuer.

BOOK VALUE: the amount at which a security is carried on the books of the holder or issuer. The book value is often the cost, plus or minus amortization, and may differ significantly from the market value.

BROKER: a middleman who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

BULL MARKET: a period of generally optimistic attitudes and increasing market prices. (Compare: Bear Market).

BUYERS MARKET: a market where supply is greater than demand, giving buyers an advantage in purchase price and terms.

CALL: an option to buy a specific asset at a certain price within a particular period.

CALLABLE: a feature which states a bond or preferred stock may be redeemed by the issuer prior to maturity under terms designated prior to issuance.

CALL DATE: the date on which a bond may be redeemed before maturity at the option of the issuer.

CALLED BONDS: bonds redeemed before maturity.

CALL PREMIUM: the excess paid for a bond or security over its face value.

CALL PRICE: the price paid for a security when it is called. The call price is equal to the face value of the security, plus the call premium.

CALL PROVISION: the call provision describes the details by which a bond may be redeemed by the issuer, in whole or in part, prior to maturity. A Security with such a provision will usually have a higher interest rate than comparable, but noncallable securities.

CAPITAL GAIN OR LOSS: the amount that is made or lost, depending upon the difference between the sale price and the purchase price of any capital asset or security.

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

CAPITAL MARKET: the market in which buyers and sellers, including institutions, banks, governments, corporations and individuals, trade debt and equity securities.

CASH SALE: a transaction calling for the delivery and payment of the securities on the same day that the transaction takes place.

CERTIFICATE OF DEPOSIT (CD): debt instrument issued by a bank that usually pays interest. Institutional CD's are issued in denominations of \$100,000 or more. Maturities range from a few weeks to several years. Competitive forces in the marketplace set interest rates.

COLLATERAL: securities or other property, which a borrower pledges for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERAL NOTE: a promissory note, which specifically mentions the collateral, pledged by the borrower for the repayment of an obligation.

COMMERCIAL PAPER: short-term obligations with maturities ranging from 2 to 270 days issued by banks, corporations, and other borrowers to investors with temporarily idle cash. Such instruments are unsecured and usually discounted, although some are interest-bearing.

COMMISSION: the brokers or agent's fee for purchasing or selling securities for a client.

COUPON: the annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

COVENANT: a pledge in the bond resolution or indenture of the issuing government to perform in a way that may benefit the bondholders, or to refrain from doing something that might be disadvantageous to them.

COVER: the spread between the winning bid (or offer) and the next highest bid (or the next lowest offer). It is useful as a basis for evaluation of the bids.

COVERAGE RATIO: the ratio of income available to pay a specific obligation versus the total amount obligated. This is a measure of financial stability.

CREDIT ANALYSIS: a critical review and appraisal of the economic and financial condition of a government agency or corporation. The credit analysis evaluates the issuing entity's ability to meet its debt obligations, and the suitability of such obligations for underwriting or investment.

CURRENT MATURITY: amount of time left to the maturity of an obligation.

DEBENTURE: a bond secured by the general credit of the issuer rather than being backed by a specific lien on property as in mortgage bonds.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

DEBT COVERAGE: this term is normally used in connection with revenue and corporate bonds. It indicates the margin of safety for payment of debt, reflecting the number of times by which earnings for a certain period of time exceed debt payable during the same period.

DEBT LIMIT (OR CEILING): the maximum amount of debt that can legally be acquired under the debt-incurring power of a state or municipality.

DEBT SERVICE: interest and principal obligation on an outstanding debt. This is usually for a one-year period.

DEFAULT: failure to pay principal or interest promptly when due.

DELIVERY VERSUS PAYMENT: securities industry procedure, common with institutional accounts, whereby delivery of securities sold is made to the buying customer's bank in exchange for payment, usually in the form of cash. (Institutions are required by law to require "assets of equal value" in exchange for delivery.) Also called Cash on Delivery.

DERIVATIVE: contracts written between a City and a counter party such as a bank, insurance company or brokerage firms. Their value is derived from the value of some underlying assets such as Treasury Bonds or a market index such as LIBOR. Derivatives are used to create financial instruments to meet special market needs. Two contrasting reasons for the use of derivatives are: 1) to limit risk or transfer it to those willing to bear it; and, 2) to speculate about future interest rates and leverage in hope of increasing returns.

DISCOUNT: the difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after a sale also is considered to be at a discount.

DIVERSIFICATION: dividing investment funds among a variety of securities offering independent returns.

DUE DILIGENCE: exercising of due professional care in the performance of duties.

FACE VALUE: the principal amount owed on a debt instrument. It is the amount on which interest is computed and represents the amount that the issuer promises to pay at maturity.

FANNIE MAE: trade name for the Federal National Mortgage Association.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): federal agency established in 1933 that guarantees (within limits) funds on deposit in member banks and performs other functions such as making loans to or buying assets from members banks to facilitate mergers or prevent failures.

FEDERAL FUNDS RATE: the rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

FEDERAL HOME LOAN BANKS (FHLB): government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL OPEN MARKET COMMITTEE (FOMC): consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: the central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

FIDUCIARY: an individual or group, such as a bank or trust company, which acts for the benefit of another party or to which certain property is given to hold in trust, according the trust agreement.

FISCAL YEAR: an accounting or tax period comprising any twelve-month period. The City's fiscal year starts July 1.

FREDDIE MAC: trade name for the Federal Home Loan Mortgage Corporation.

FULL FAITH AND CREDIT: the unconditional guarantee of the United States government backing a debt for repayment.

GENERAL OBLIGATION BONDS (GO's): bonds secured by the pledge of the municipal issuer's full faith and credit, usually including unlimited taxing power.

GINNIE MAE: trade name for the Government National Mortgage Association.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FmHA mortgages. The term "pass-through" is often used to describe Ginnie Maes.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

HOLDER: the person or entity which is in possession of a negotiable instrument.

INDEBTEDNESS: the obligation assumed by a borrower, guarantor, endorser, etc. to repay funds which have been or will be paid out on the borrower's behalf.

INDENTURE: a written agreement used in connection with a security issue. The document sets the maturity date, interest rate, security and other terms for both the issue holder, issuer and, when appropriate, the trustee.

INTEREST RATE: the interest payable each year on borrowed funds expressed as a percentage of the principal.

INVESTMENT: use of capital to create more money, either through income-producing vehicles or through more risk-oriented ventures designed to result in capital gains.

INVESTMENT PORTFOLIO: a collection of securities held by a bank, individual, institution, or government agency for investment purposes.

IRREVOCABLE LETTER OF CREDIT: instrument or document issued by a bank guaranteeing the payment of a customer's drafts up to a stated amount for a specified period. It substitutes the bank's credit for the buyer's and eliminates the seller's risk. This arrangement cannot be changed or terminated by the one who created it without the agreement of the beneficiary.

ISSUE PRICE: the price at which a new issue of securities is put on the market.

ISSUER: any corporation or governmental unit, which borrows money through the sale of securities.

JOINT AND SEVERAL OBLIGATION: a guarantee to the holder in which the liability for a bond or note issue may be enforced against all parties jointly or any one of them individually so that one, several or all may be held responsible for its payment.

LAIF: trade name for California State Local Agency Investment Fund.

LEGAL INVESTMENT: a list of securities in which certain institutions and fiduciaries may invest as determined by regulatory agencies.

LEGAL OPINION: an opinion concerning the legality of a bond issue, usually written by a recognized law firm specializing in the approval of public borrowings.

LIQUIDITY: a liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

MARKETABILITY: the measure of ease with which a security can be sold in the secondary market.

MARKET ORDER: an order to buy or sell securities at the prevailing bid or ask price on the market.

MARKET VALUE: the price at which a security is trading and could presumably be purchased or sold.

MARKET VS. QUOTE: quote designates the current bid and ask on a security, as opposed to the price at which the last security order was sold.

MASTER REPURCHASE AGREEMENT: a written contract covering all future transactions between the parties to repurchase—reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: the date that the principal or stated value of debt instrument becomes due and payable. It is also used as the length of time between the issue date and the due date.

MONEY MARKET the market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

MORTGAGE BOND: a bond secured by a mortgage on property. The value of the property used as collateral usually exceeds that of the mortgage bond issued against it.

NEGOTIABLE: a term used to designate a security, the title to which is transferable by delivery. Also used to refer to the ability to exchange securities for cash or near-cash instruments.

NO PAR VALUE: a security issued with no face or par value.

NON-NEGOTIABLE: a security whose title or ownership is not transferable through a simple delivery or endorsement. (See: Negotiable.)

OBLIGATION: a responsibility for paying back a debt.

OFFER: the price of a security at which a person is willing to sell.

OFFERING: placing securities for sale to buyers. The offering usually states the price and terms.

OPEN MARKET OPERATIONS: purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

PAR VALUE: the stated or face value of a security expressed as a specific dollar amount marked on the face of the security; the amount of money due at maturity. Par value should not be confused with market value.

PAYING AGENT: the agency, usually a commercial bank, which dispenses the principal and interest payable on a maturing issue.

PORTFOLIO: the collection of securities held by an individual or institution.

PREMIUM: the amount by which the price paid for a security exceeds the par value. Also, the amount that must be paid over the par value to call an issue before maturity.

PRIMARY DEALER: a group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL: the face or par value of an instrument. It does not include accrued interest.

PRUDENT INVESTOR RULE: an investment standard adopted by the State of California in 1995. It states that a trustee shall consider the entire investment portfolio when determining the prudence of an individual investment; diversification is explicitly required within a portfolio; suitability of an investment is a primary determinant; and delegation of investment management is acceptable.

PRUDENT MAN RULE: an investment standard established in 1630. It states that a trustee who is investing for another should behave in the same way as a prudent individual of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUOTATION (QUOTE): the highest bid to buy or the lowest offer to sell a security in any market at a particular time.

RATE OF RETURN: 1) the yield which is attainable on a security based on its purchase price or its current market price. 2) This may be the amortized yield to maturity on a bond the current income returns.

RATING: the designation used by investors' services to rate the quality of a security's creditworthiness. Moody's ratings range from the highest Aaa, down through Aa, A, Baa, Ba, B, etc., while Standard and Poor's ratings range from the highest AAA, down through AA, A, BBB, BB, B, etc.

REFINANCING: rolling over the principal on securities that have reached maturity or replacing them with the sale of new issues. The object may be to save interest costs or to extend the maturity of the loan.

REGISTERED BOND: a bond whose principal and/or interest is payable only to that person or organization which is registered with the issuer. This form is not negotiable and it can be transferred only when endorsed by the registered owner.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

REPURCHASE AGREEMENT (REPO): agreement between a seller and a buyer, usually of U.S. Government securities, whereby the seller agrees to repurchase the securities at an agreed upon price and, usually, at a stated time. The attraction of repos is the flexibility of maturities that makes them an ideal place to "park" funds on a very temporary basis. Dealers also arrange *reverse repurchase agreements*, whereby they agree to buy the securities and the investor agrees to repurchase them at a later date.

REVENUE ANTICIPATION NOTES (RAN): short-term notes sold in anticipation of receiving future revenues. The notes are to be paid from the proceeds of those revenues.

REVENUE BOND: a state or local bond secured by revenues derived from the operations of specific public enterprises, such as utilities. Such bonds are not generally backed by the taxation power of the issuer unless otherwise specified in the bond indenture.

SAFEKEEPING: a service banks offer to customers for a fee, where securities are held in the bank's vaults for protection.

SECURED DEPOSIT: bank deposits of state or local government funds which, under the laws of certain jurisdictions, must be secured by the pledge of acceptable securities.

SECONDARY MARKET: a market made for the purchase and sale of outstanding issues following the initial distribution.

SECURED DEPOSIT: bank deposits of state or local government funds which, under the laws of certain jurisdictions, must be secured by the pledge of acceptable securities.

SECURITIES: investment instruments such as bonds, stocks and other instruments of indebtedness or equity.

SECURITIES & EXCHANGE COMMISSION: agency created by Congress to protect investors in securities transactions by administering securities legislation.

SERIAL BOND: bonds of the same issue, which have different maturities, coming due over a number of years rather than all at once. This allows the issuer to retire the issue in small amounts over a long period of time.

SETTLEMENT DATE: date by which an executed order must be settled, either by buyer paying for the securities with cash or by a seller delivering the securities and receiving the proceeds of the sale for them.

SINKING FUND: a reserve fund set aside over a period of time for the purpose of liquidating or retiring an obligation, such as a bond issue, at maturity.

SPECIAL ASSESSMENT BONDS: bonds that are paid back from taxes on the property that is benefiting from the improvement being financed. The issuing governmental entity agrees to make the assessments and earmark the tax proceeds to repay the debt on these bonds.

SPREAD: the difference between two figures or percentages. For example, it may be the difference between the bid and asked prices of a quote, or between the amount paid when bought and the amount received when sold.

City of Lodi

GLOSSARY OF COMMONLY USED FINANCIAL TERMS

TAX ANTICIPATION NOTES (TAN): short-term notes issued by states or municipalities to finance current operations in anticipation of future tax collections which would be used to repay the debt.

TAX-EXEMPT BONDS: interest paid on municipal bonds issued by state and local governments or agencies is usually exempt from federal taxes, and in some cases, the state and/or local taxes. The interest rate paid on these bonds is generally lower than rates on non-exempt securities.

TERMS: the conditions of the sale or purchase of a security.

TREASURY BILL (T-BILL): a non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS AND NOTES: obligations of the U. S. government which bear interest. Notes have maturities of one to seven years, while bonds have longer maturities.

TREASURY BONDS: long-term coupon bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

TRUSTEE: a bank designated as the custodian of funds and the official representative for bondholders.

UNDERWRITER: a dealer bank or other financial institution, which arranges for the sale and distribution of a large batch of securities and assumes the responsibility for paying the net purchase price.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one-reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: the annual rate of return on an investment, expressed as a percentage of the investment.

YIELD CURVE: graph showing the term structure of interest rates by plotting the yields of all bonds of the same quality with maturities ranging from the shortest to the longest available. The resulting curve shows if short-term interest rates are higher or lower than long-term rates. For the most part, the yield curve is positive (short-term rates are lower), since investors who are willing to tie up their money for a longer period of time usually are compensated for the extra risk they are taking by receiving a higher yield.



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Specifications and Authorize Advertisement for Bids for Removal, Dewatering, and Disposal of Approximately 500 Tons of Biosolids from White Slough Water Pollution Control Facility Storage Lagoons

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Approve specifications and authorize advertisement for bids for removal, dewatering, and disposal of approximately 500 tons of biosolids from White Slough Water Pollution Control Facility storage lagoons.

BACKGROUND INFORMATION: The biosolids storage lagoons at the White Slough Water Pollution Control Facility (WSWPCF) are utilized for storage and concentration of solids from the four anaerobic digesters. During the summer months, this material is applied to the land application areas, but in the winter, the solids are stored in two concrete-lined lagoons. In order to prevent biosolids from spilling over to the Facility's unlined storage ponds, it is necessary to dewater and dispose of the excess solids at an offsite landfill until the new solids handling facility is completed.

This is the last time the City will be contracting for dewatering services as the solids-handling facility is scheduled to be operational prior to winter 2011. Thereafter, dewatering operations will be performed by City staff at the new facility.

The specifications are on file in the Public Works Department. The planned bid opening date is December 2, 2010.

FISCAL IMPACT: The project estimate is \$215,000.

FUNDING AVAILABLE: Wastewater Fund (170403)
Budgeted: Fiscal Year 2010/11

F. Wally Sandelin
Public Works Director

Prepared by Del Kerlin, Wastewater Treatment Superintendent
FWS/CES/dk

cc: D. Stephen Schwabauer, City Attorney
Kirk Evans, Management Analyst
Charles E. Swimley, Jr., Deputy Public Works Director – Utilities
Del Kerlin, Wastewater Treatment Superintendent

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Purchase Order with Weco Industries, Inc., of Vacaville, for Purchase of Closed Circuit Television Inspection Equipment (\$22,257)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute purchase order with Weco Industries, Inc., of Vacaville, for the purchase of closed circuit television inspection equipment in the amount of \$22,257.

BACKGROUND INFORMATION: The Water/Wastewater Division utilizes a main line camera and transporter for closed circuit television (CCTV) inspection of sewers and storm drains. The current main line transporter and camera were purchased in November 2000.

The current main line transporter and camera will not fit into some manholes and wastewater mains that have been relined, thereby reducing the inside diameter of the pipelines by approximately half an inch. On smaller mains, this reduction is enough to impede the insertion of the existing transporter and camera system, making condition assessments difficult, if not impossible. The replacement equipment is smaller, allowing for improved access to smaller wastewater mains, and contains new technology that improves picture quality and data collection. This improved system enhances the City's ability to comply with the Sanitary Sewer Management Plan.

Three bids were received from vendors specializing in this type of equipment. Weco Industries submitted the lowest responsive bid. Staff recommends Council authorize the City Manager to execute a purchase order with Weco Industries for the purchase of the CCTV inspection equipment in the amount of \$22,256.77.

FISCAL IMPACT: The newer, improved CCTV system enhances operational efficiency related to collection system condition assessment required by the City's Sanitary Sewer Management Plan.

FUNDING AVAILABLE: 2010/11 Wastewater Capital Outlay (1711201): \$22,256.77

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Charles E. Swimley, Jr., Deputy Public Works Director-Utilities
FWS/CES/dsg

cc: Charles E. Swimley, Jr., Deputy Public Works Director – Utilities
Lance Roberts, Water/Wastewater Superintendent

APPROVED: _____
Konradt Bartlam, Interim City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
CITY MANAGER TO EXECUTE PURCHASE ORDER FOR
PURCHASE OF CLOSED CIRCUIT TELEVISION INSPECTION
EQUIPMENT

=====

WHEREAS, the Water/Wastewater Division utilizes a main line camera and transporter for closed circuit television (CCTV) inspection of sewers and storm drains; and

WHEREAS, the current main line transporter and camera, purchased in November 2000, will not fit into some manholes and wastewater mains that have been relined, thereby reducing the inside diameter of the pipelines by approximately half an inch which, on smaller mains, is enough to impede the insertion of the existing transporter and camera system, making condition assessments difficult, if not impossible; and

WHEREAS, the replacement equipment is smaller, allowing for greater access to smaller wastewater mains, and contains new technology that improves picture quality and data collection. This improved system enhances the City's ability to comply with the Sanitary Sewer Management Plan criteria; and

WHEREAS, three bids were received from vendors specializing in this type of equipment, with Weco Industries, Inc., of Vacaville, submitting the lowest responsive bid; and

WHEREAS, staff recommends City Council authorize the City Manager to execute a purchase order with Weco Industries, Inc., of Vacaville, for the purchase of the CCTV inspection equipment in the amount of \$22,256.77.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a purchase order with Weco Industries, Inc., of Vacaville, California, in the amount of \$22,256.77, for the purchase of closed circuit television inspection equipment.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Awarding Contract for City-Funded Maintenance of Landscape Areas for 2011 to Dominguez Landscape Services, Inc., of Sacramento, for Groups A, B, and C for an Annual Cost of \$141,708

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution awarding contract for City-funded maintenance of landscape areas for 2011 to Dominguez Landscape Services, Inc., of Sacramento, for Groups A, B, and C for an annual cost of \$141,708.

BACKGROUND INFORMATION: This project provides for the contract landscape maintenance of 198 landscaped sites in the public right-of-way, public buildings, parking lots, the Multimodal Station, and the White Slough Water Pollution Control Facility. The total acreage of the contract now exceeds 49 acres.

This bid consists of three separate groups: Group A – Maintenance of Turf and Miscellaneous Landscape Areas, Group B – Maintenance of Lower Sacramento Road and Adjacent Landscape Areas, and Group C – Maintenance of Cherokee Lane and Adjacent Landscape Areas.

The specifications were approved on October 20, 2010, and are on file in the Public Works Department. The City distributed seven bid packets and 13 notifications of availability. The City received the following two bids on November 2, 2010:

Bidder	Location	Bid
Dominguez Landscape Services, Inc.	Sacramento	\$141,708
Pacheco Brothers Gardening, Inc.	Hayward	\$633,960

The difference in the bid amounts is not unusual. In a discussion with Pacheco Brothers, part of their cost was establishing a yard in the City for the contractor to work from.

FISCAL IMPACT: This annual contract maintains the existing landscape sites at a frequency level of once per month, along with quarterly pruning, with the exception of turf areas that are serviced weekly. This contract amount is approximately \$32,000 less than the current contract for the same areas and service frequencies.

FUNDING AVAILABLE: The money for this project will be coming from the General Fund, Utility and Transit 2011/12 Operating accounts (102011, 103511, 125052, 160652, 170403, 170404, 180453, 210801, 3215036).

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Curtis Juran, Streets and Drainage Superintendent
FWS/CES/CJJ/dsg
cc: Curtis Juran, Streets and Drainage Superintendent

APPROVED: _____
Konradt Bartlam, Interim City Manager

**MAINTENANCE OF MISCELLANEOUS
LANDSCAPE AREA 2011**

CONTRACT

THIS CONTRACT, made by and between the CITY OF LODI, State of California, herein referred to as "**City**" and **Dominguez Landscape Services, Inc.**, herein referred to as "**Contractor**".

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids
Information to Bidders
General Provisions
Special Provisions

Bid Proposal

Contract

Vicinity Maps

Group Listings

Maintenance Schedule

Water Conservation Ordinance

The July 1992 Edition Standard
Specifications, State of California
Business and Transportation Agency,
Department of Transportation

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I That for and in consideration of the payments and agreements hereinafter mentioned, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to maintain in a good workmanlike and substantial manner to the satisfaction of the City the proposed maintenance of landscaped areas.

ARTICLE II The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE III And the Contractor agrees to receive and accept the following prices as full compensation for furnishing the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Contract Documents and the requirements of the Engineer under them, to-wit:

ARTICLE IV By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

<u>ITEM</u>	<u>UNIT</u>	<u>ESTIMATED QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL ANNUAL PRICE</u>
<u>EXHIBIT GROUP A</u>				
1				
TURF SITES PER GROUP A - MOWING, PRUNING, WEED CONTROL, LITTER PICK UP, IRRIGATION MAINTENANCE PER SPECIFICATIONS	1	LS	<u>\$2,776.00/Month</u>	<u>\$33,312.00</u>
<u>EXHIBIT GROUP B</u>				
2				
SITES PER GROUP B - WEED CONTROL, LITTER PICK UP, ONCE PER MONTH, PRUNING ONCE PER THREE MONTHS, AS PER SPECIFICATIONS, IRRIGATION MAINTENANCE INCLUDED	1	LS	<u>\$6,970.00/Month</u>	<u>\$83,640.00</u>
<u>EXHIBIT GROUP C</u>				
3				
SITES PER GROUP C - WEED CONTROL, LITTER PICK UP, ONCE PER MONTH, PRUNING ONCE PER THREE MONTHS, AS PER SPECIFICATIONS, IRRIGATION MAINTENANCE INCLUDED	1	LS	<u>\$2,063.00/Month</u>	<u>\$24,756.00</u>
TOTAL ANNUAL PRICE				<u>\$141,708.00</u>

References must be submitted with bid proposal as described in Section 2.140

ARTICLE V It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE PERIOD FOR THIS CONTRACT IS JANUARY 1, 2011 THROUGH DECEMBER 31, 2011, AND THE CONTRACTOR AGREES TO SUBMIT MONTHLY BILLINGS NO LATER THAN THE 10TH OF EACH MONTH.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands the day and year first written.

CONTRACTOR

Dated: _____, 2010

Authorized Signature

Title

TYPE OF ORGANIZATION

Individual, Partnership or Corporation

(Affix corporate seal if Corporation)

Address

(_____) _____
Telephone

CITY OF LODI

A Municipal corporation

Konradt Bartlam
Interim City Manager

Date

Attest:

Randi Johl
City Clerk

Date

Approved as to Form:

D. Stephen Schwabauer,
City Attorney

Date

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE CONTRACT FOR CITY-FUNDED
MAINTENANCE OF LANDSCAPE AREAS FOR 2011
FOR AREAS A, B, AND C

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on November 2, 2010, at 11:00 a.m. for the City-Funded Maintenance of Landscape Areas for 2011, described in the specifications therefore approved by the City Council on October 20, 2010; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

Bidder	Bid
Dominguez Landscape Services, Inc.	\$141,708
Pacheco Brothers Gardening, Inc.	\$633,960

WHEREAS, staff recommends awarding the contract for the City-Funded Maintenance of Landscape Areas for 2011 for Groups A, B, and C to the low bidder, Dominguez Landscape Services, Inc., of Sacramento, California, in the amount of \$141,708.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council does hereby award the contract for the City-Funded Maintenance of Landscape Areas for 2011, Areas A, B, and C to Dominguez Landscape Services, Inc., of Sacramento, California, in the amount of \$141,708.

Dated: November 17, 2010

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I hereby certify that Resolution No. 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held November 17, 2010, by the following votes:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Appropriating Funds for Contract Change Orders for DeBenedetti Park (G-Basin) Storm Drain Improvements Project (\$150,000)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution appropriating funds for contract change orders for DeBenedetti Park (G-Basin) Storm Drain Improvements Project in the amount of \$150,000.

BACKGROUND INFORMATION: This project consists of installing approximately 870 lineal feet of 72-inch storm drain pipe, 42 lineal feet of 42-inch storm drain pipe, one weir structure and three outfall structures.

This project was awarded to Teichert Construction, of Stockton, on October 7, 2009. This project is the first stage of multiple storm drainage and parks projects at DeBenedetti Park. It is necessary for this project work to be completed prior to the other projects being started, which required the work to continue during the rainy season. Last winter's above-normal rainfall had a major impact on the project, due to the nature of the project and the time when it was required to be performed. The contractor had to continuously reroute and pump storm water flows to continue with the contract work. It was also necessary to pump down the basin so that the other park contract work (irrigation and planting) could be performed. It was necessary to construct a temporary dam within the basin in an attempt to keep the work area dry enough for project work to continue. All extra work was tracked on a time-and-materials basis.

Change Order No. 1 is for costs related to the construction of a coffer dam in G-Basin to permit work to begin on the 72-inch storm drain (\$24,313.54).

Change Order No. 2 includes lowering the elevation of the 72-inch line by two feet (\$26,819.00), removal of the temporary coffer dam (\$23,986.92), purchase of 60-inch reinforced concrete pipe for tie-in at Century Boulevard to ease impact on traffic (\$5,007.02), increase in material escalation costs for metal rebar (\$1,959.85) and other work related to the control of storm water during the project (\$61,778.40). The total for Change Order No. 2 is \$119,551.19.

The project is 99 percent complete.

FISCAL IMPACT: There will be a slight increase in the long-term storm drain maintenance of the proposed facilities.

FUNDING AVAILABLE: Requested Appropriation: Storm Drain Impact Fee (326017) – \$150,000

Jordan Ayers
Deputy City Manager/Internal Service Director

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
FWS/GW/pmf

APPROVED: _____
Konradt Bartlam, Interim City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING APPROPRIATION OF FUNDS FOR
CONTRACT CHANGE ORDERS FOR
DEBENEDETTI PARK (G-BASIN) STORM DRAIN
IMPROVEMENTS PROJECT

=====

WHEREAS, the DeBenedetti Park (G-Basin) Storm Drain Improvements Project was awarded to Teichert Construction, of Stockton, on October 7, 2009; and

WHEREAS, this project is the first step in multiple storm drainage and parks projects at DeBenedetti Park. It is necessary for this project work to be completed prior to the other projects being started, which required the work to continue through last winter's above-normal rainfall; and

WHEREAS, Change Order No. 1 is for costs related to the construction of a coffer dam in G-Basin (\$24,313.54); and

WHEREAS, Change Order No. 2 includes lowering the elevation of the 72-inch line, removal of the temporary coffer dam, purchase of RCP pipe, increase in material escalation costs for metal rebar, and other work related to the control of storm water during the project (\$119,551.19); and

WHEREAS, staff recommends appropriating \$150,000 from the Storm Drain Impact Fee Fund to cover the cost of the change orders.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize appropriation of \$150,000 from the Storm Drain Impact Fee Fund for this project.

Dated: November 17, 2010

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I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Appropriating Additional Funds for Contract Change Order No. 4 for Lodi Grape Bowl All-Weather Surface Project (\$12,061.56)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution appropriating additional funds for Contract Change Order No. 4 for Lodi Grape Bowl All-Weather Surface Project (\$12,061.56).

BACKGROUND INFORMATION: City Council at its meeting of April 7, 2010 awarded a contract to Western Engineering Contractors, Inc., in the amount of \$592,675 for field preparation and awarded a contract to Fieldturf USA, Inc., for the purchase and installation of the field. On August 4, 2010, Council approved an additional appropriation of \$156,577.80 to cover Contract Change Order Nos. 1, 2 and 3. These change orders were issued to cover various field changes and the installation of steps and ramps that would conform to the requirements of the Americans with Disabilities Act.

Contract Change Order No. 4 addresses changes made to the design of the steps and ramps, additional work performed to relocate the storm drain retention chambers, a premium to speed the delivery of the railings, and deducts to the contract to help offset these added costs.

The steps and ramps were widened to meet Building Code exit requirements and guardrails were needed on the steps instead of handrails. The changed dimensions added \$13,883.68 to the contract, and the change of the handrails to guardrails increased the cost by \$3,270.75. The storm drain retention chamber was relocated as part of Contract Change Order No. 1, but the contractor also needed to perform an additional \$10,434 worth of force main work due to the storm drain relocation. Contract Change Order No. 4 also added \$2,079 to cover premium costs so that the project would be completed by November 12, 2010.

In order help offset the added costs, fence work added in Contract Change Order No. 1 has been deleted (-\$9,350), the 7-foot sidewalk added in Contract Change Order No. 1 has been narrowed to a 6-foot sidewalk (-\$3,962.67), a concrete mow band under the booster pump fence was deleted (-\$867.20) and completion of the aggregate base grading work will be performed by the Parks Department (-\$3,426).

The net result of Contract Change Order No. 4 is an increase of \$12,061.56. Staff is therefore recommending the appropriation of \$12,061.56 from the Parks Impact Mitigation Fees Fund to cover this contract change order cost.

FISCAL IMPACT: There will be reduced maintenance cost of the areas surrounding the all-weather surface and reduced exposure to ADA-access claims at the Grape Bowl facility. Use of impact fees will reduce funds available for future parks.

APPROVED: _____
Konradt Bartlam, Interim City Manager

Adopt Resolution Appropriating Additional Funds for Contract Change Order No. 4 for Lodi Grape Bowl
All-Weather Surface Project (\$12,061.56)
November 17, 2010
Page 2

FUNDING AVAILABLE: Requested Appropriation:
Parks Impact Mitigation Fees (1217005): \$12,061.56

Jordan Ayers
Deputy City Manager/Internal Services Director

James M. Rodems
Interim Parks and Recreation Director

F. Wally Sandelin
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
FWS/WKF/pmf

cc: City Attorney
Parks Superintendent
Management Analyst Areida-Yadav

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING APPROPRIATION OF FUNDS FOR
CONTRACT CHANGE ORDER NO. 4 FOR GRAPE
BOWL ALL-WEATHER SURFACE PROJECT

=====

WHEREAS, on April 7, 2010 City Council awarded a contract to Western Engineering Contractors, Inc., in the amount of \$592,675 for field preparation and awarded a contract to Fieldturf USA, Inc., for the purchase and installation of the field. On August 4, 2010, City Council approved an additional appropriation of \$156,577.80 to cover Contract Change Orders No. 1, 2 and 3, which were issued to cover various field changes and the installation of steps and ramps that would conform to the requirements of the Americans with Disabilities Act; and

WHEREAS, Contract Change Order No. 4 addresses changes made to the design of the steps and ramps, additional work performed to relocate the storm drain retention chambers, a premium to speed the delivery of the railings, and deducts to the contract to help offset these added costs; and

WHEREAS, staff recommends appropriating \$12,061.56 from the Parks Impact Fee Fund to cover the cost of the change orders.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize appropriation of \$12,061.56 from the Parks Impact Mitigation Fee Fund for this project.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Accepting Improvements Under Contract for 2010 Storm Drain Improvements Project and Appropriating Funds (\$40,000)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution accepting improvements under contract for 2010 Storm Drain Improvements Project and appropriating funds in the amount of \$40,000.

BACKGROUND INFORMATION: The project was awarded to Mozingo Construction, Inc., of Oakdale, on May 19, 2010, in the amount of \$222,900. The contract has been completed in substantial conformance with the plans and specifications approved by City Council on March 3, 2010.

This project consisted of the installation of 2,570 linear feet of storm drain piping and four storm drain manholes, and other incidental and related work, in Charleston Way, Normandy Lane, Hutchins Street, and Elm Street to improve storm drainage conveyance capacity in these areas and to reduce the frequency of flooding.

There was one change order for this project, which included removal and replacement of unsuitable backfill material, repair of an existing sewer line adjacent to the new storm line, resolution of a conflict with a 6-inch PG&E gas line on Elm Street (not identified by PG&E), installation of 72 lineal feet of additional curb and gutter, and installation of 270 square feet of sidewalk, for a total cost of \$49,845.27. The total final contract amount is \$272,745.27. The requested appropriation is to fund the change order costs not covered by project contingencies.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: The project will reduce the maintenance and emergency response costs due to drainage and flooding problems in the affected areas.

FUNDING AVAILABLE: Requested Appropriation:
Wastewater Funds (171): \$40,000

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
FWS/GW/pmf

APPROVED: _____
Konradt Bartlam, Interim City Manager

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
IMPROVEMENTS UNDER CONTRACT FOR 2010 STORM
DRAIN IMPROVEMENTS PROJECT AND FURTHER
APPROPRIATING ADDITIONAL FUNDS FOR THE PROJECT

=====

WHEREAS, the 2010 Storm Drain Improvement Project was awarded to Mozingo Construction, Inc., of Oakdale, on May 19, 2010, in the amount of \$222,900; and

WHEREAS, the contract has been completed in substantial conformance with the plans and specifications approved by City Council on March 3, 2010; and

WHEREAS, this project consisted of the installation of 2,570 linear feet of storm drain piping and four storm drain manholes, and other incidental and related work, in Charleston Way, Normandy Lane, Hutchins Street, and Elm Street to improve storm drainage conveyance capacity in these areas and to reduce the frequency of flooding; and

WHEREAS, there was one change order for this project, which included removal and replacement of unsuitable backfill material, repair of an existing sewer line adjacent to the new storm line, resolution of a conflict with a 6-inch PG&E gas line on Elm Street, installation of 72 lineal feet of additional curb and gutter, and installation of 270 square feet of sidewalk for a total cost of \$49,845.27. The total final contract amount is \$272,745.27; and

WHEREAS, staff recommends appropriation of \$40,000 from the Wastewater Fund to fund change order costs not covered by project contingencies.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept the improvements under the contract for the 2010 Storm Drain Improvements Project and directs the City Engineer to file a Notice of Completion with the County Recorder's Office; and

BE IT FURTHER RESOLVED that additional funds in the amount of \$40,000 be appropriated from the Wastewater Fund for this project.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution accepting improvements under contract for 2010 Alley Reconstruction Project and appropriating funds in the amount of \$11,289.32.

BACKGROUND INFORMATION: The project was awarded to George Reed Inc., of Lodi, on February 17, 2010, in the amount of \$226,454.40. The contract has been completed in substantial conformance with the plans and specifications approved by City Council on January 6, 2010.

This project consisted of the reconstruction of three alleys with 866 tons of asphalt concrete, installation of 1,856 lineal feet of pervious concrete valley gutter, and other incidental and related work. The reconstructed alleys were selected from Streets Maintenance District No. 1, which contains the oldest alleys in the community, based on condition, drainage problems, and the number of fronting residences. Community Development Block Grant (CDBG) funds were used to reconstruct the alleys with new asphalt concrete pavement. Due to the relative flatness of the alleys, a pervious concrete valley gutter was installed in the center of the alleys to handle storm drainage. The pervious concrete allows storm water to percolate to the underlying soil during low-flow situations and will solve the majority of the water-ponding problems. The alleys were also graded to drain to the adjacent streets during more intense storm events. This project was the first of its kind in the City in many years and was the first project in the City to use pervious concrete. If it proves to be successful, future alley projects will be constructed using similar methods.

One alley, as shown on Exhibit A, could not be completed. During utility location activities, it was discovered that the existing water and sewer lines were too shallow to permit the excavation, grading and paving of the alley. The water line is scheduled to be relocated as a part of the water meter program in a few years. It was determined that the best course of action was to delay the work in this alley until the water line has been relocated. Because this portion of the contract work could not be completed, the CDBG funds cannot be used for this alley. Staff recommends appropriating \$11,289.32 from the Water Fund to pay for the contract work on this alley. The final contract amount for all work completed is \$152,900.02.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

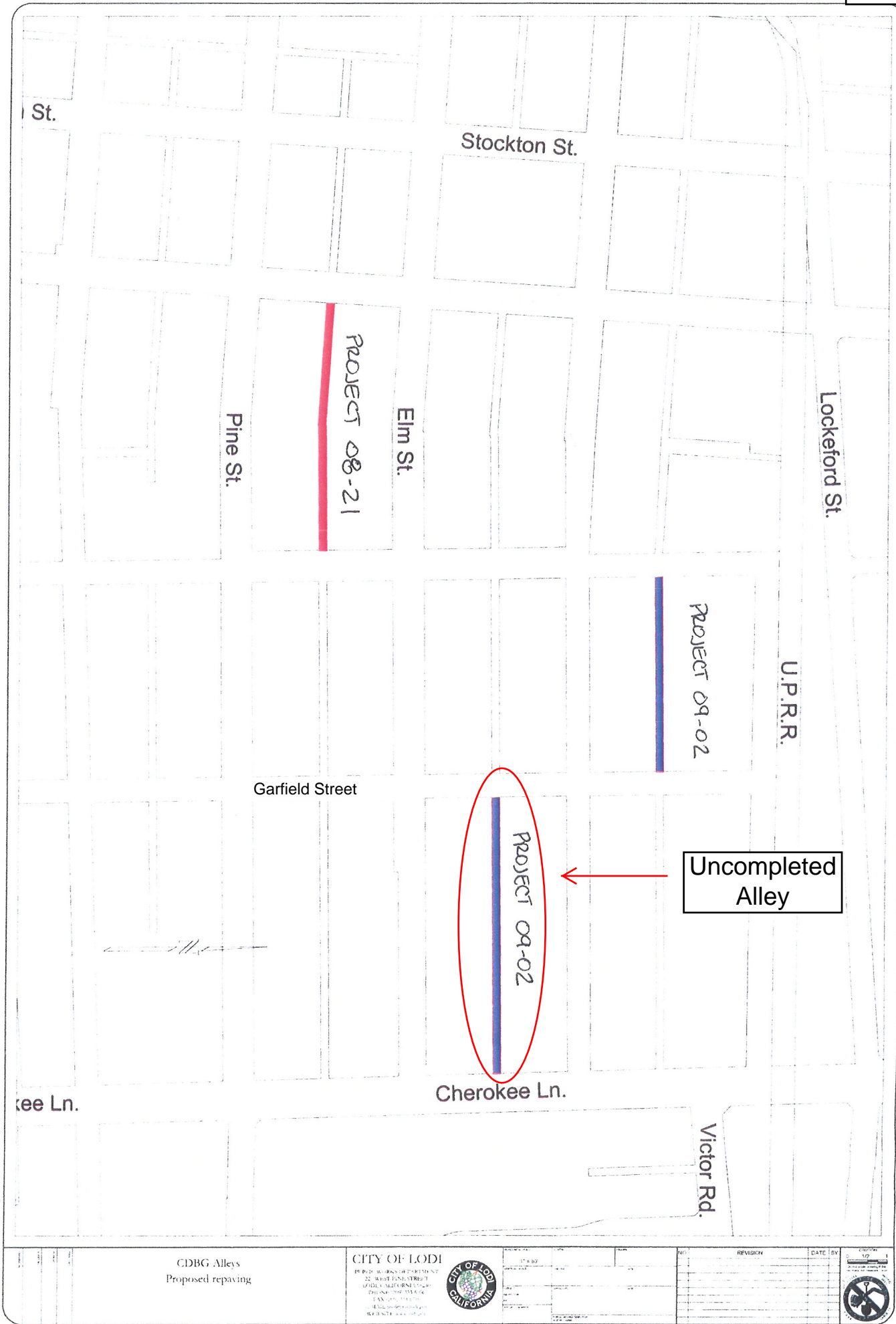
FISCAL IMPACT: There will be a decrease in street maintenance for the reconstructed alleys.

FUNDING AVAILABLE: Water Capital Fund (181): \$11,289.32

F. Wally Sandelin
Public Works Director

Prepared by Gary Wiman, Construction Project Manager
Attachment
cc: Joseph Wood

APPROVED: _____
Konradt Bartlam, Interim City Manager



K:\3\3NIP\Projects\2009 Alley Improvements\Alley Location.dwg, Alley, 09/09/2009 3:58:44
Ichang

CDBG Alleys
Proposed repaving

CITY OF LODI
PUBLIC WORKS DEPARTMENT
22 WEST FINE STREET
LODI, CALIFORNIA 93261
PHONE: 209.755.4400
FAX: 209.755.4401
WWW.CITYOFLODI.CA.GOV



NO.	REVISION	DATE	BY
1			

NO.	REVISION	DATE	BY
1			



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
IMPROVEMENTS UNDER CONTRACT FOR 2010 ALLEY
RECONSTRUCTION PROJECT AND FURTHER
APPROPRIATING ADDITIONAL FUNDS FOR THE PROJECT

=====

WHEREAS, the 2010 Alley Reconstruction Project was awarded to George Reed, Inc., of Lodi, on February 17, 2010, in the amount of \$226,454.40; and

WHEREAS, the contract has been completed in substantial conformance with the plans and specifications approved by City Council on January 6, 2010; and

WHEREAS, this project consisted of the reconstruction of three alleys with 866 tons of asphalt concrete, installation of 1,856 lineal feet of pervious concrete valley gutter, and other incidental and related work; and

WHEREAS, one alley was not able to be completed in this project as the existing water and sewer lines were too shallow to permit the excavation, grading and paving of the alley. The water line is scheduled to be relocated as a part of the water meter program in a few years. It was determined that the best course of action was to delay the work in this alley until the water line has been relocated. Because this portion of the contract work could not be completed, CDBG funds cannot be used for this alley. Staff recommends appropriating \$11,289.32 from the Water Fund to pay for the contract work on this alley.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby accept the improvements under the contract for the 2010 Alley Reconstruction Project and directs the City Engineer to file a Notice of Completion with the County Recorder's Office; and

BE IT FURTHER RESOLVED that additional funds in the amount of \$11,289.32 be appropriated from the Water Fund for this project.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Amendment No. 1 to Professional Services Agreement with RMC Water and Environment, of Walnut Creek, for Water Meter Planning, Design and Program Management (\$1,977,417) and Appropriating Funds (\$2,250,000)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute Amendment No. 1 to professional services agreement with RMC Water and Environment, of Walnut Creek, for water meter planning, design, and program management in the amount of \$1,977,417 and appropriating funds in the amount of \$2,250,000.

BACKGROUND INFORMATION: On October 7, 2009, City Council approved a professional services agreement with RMC Water and Environment (RMC) for water meter planning, design, and program management. Since that time, the water meter program (WMP) has undergone a number of changes, requiring an amendment to the professional services agreement. The changed conditions and revisions to the scope of services and associated fees are described below. The current rate structure will support the costs associated with this amendment. The approved contract detailed scope of work is attached as Exhibit A. The proposed revised scope of work is attached as Exhibit B. The approved contract fees and proposed revised fees are summarized in Exhibit C. The additional cost of this contract is included in the Water Utility Financial Model.

The following describes the changed conditions in the WMP.

1. Duration of the WMP expanded from three years then to five years and finally to seven years.
2. The length of pipeline to be replaced in the WMP is 25.4 miles, or 14 percent greater than the 22.2 miles determined earlier by City staff.
3. Dwelling unit type and occupancy (property owner versus tenant) could not be established by the City's databases. To address this shortcoming, parcel-by-parcel field reconnaissance and City/County database comparisons are required to establish accurate information for implementing billing to property owners, enabling distribution of comparative billing to the correct persons, and allowing for targeted distribution of WMP mailings (i.e., meter charge, meter cost payment options, low-income grant applications, construction phasing information, and metered billings). This work is approximately 95 percent complete. It is important to remember that 46 percent of the single-family housing in Lodi is not owner-occupied.
4. It was determined that Proposition 218 provisions stipulate that the meter installation class and associated cost (\$300 to \$1,200) be recorded for every parcel in the WMP (approximately 13,000 locations). This permits a parcel-specific invoice to be sent to each parcel. This required the WMP team to observe and record the type, location, and any special conditions for every

APPROVED: _____
Konradt Bartlam, Interim City Manager

residential water service. This work is also approximately 95 percent complete. Although, with setting the cap at \$300 per parcel, the billing task is now simplified. Staff estimates cost savings of \$1.5 million to \$3.0 million by having this information available to the contractors. The savings result from reduced uncertainty in bidding the project and fewer change orders during construction. This is partly based upon experience from the recently-completed Infrastructure Replacement Project No. 3.

5. The phasing assumptions have changed twice since the contract was approved, once to five years and again to seven years. Phased inventories of pipe replacement, service replacement and service relocation have needed adjustments.
6. The Water Utility Financial Model required the WMP phased construction costs be included in the model. This work was accelerated ahead of the normal timing, which would be at completion of the plans and specifications. Additionally, this work was done for three-year, five-year and seven-year phased construction alternatives.
7. In the first year of the WMP, a much greater effort has been required than anticipated in working with the public and coordinating efforts with the Water Utility, Information Services, and Finance staff. Local consultant presence at City Hall has consisted of two staff members, four days a week, for much of the past year. Their assignment has been to assist City staff with myriad issues related to the WMP, including database development, issuance of comparative billings, meter reading, fixed network analysis, meter procurement, issuance of meter invoices to property owners, transitioning usage-based billing from tenant to property owner, and much more. The City's existing Water Utility billing system and customer database is very basic and not yet compatible with a commodity-based billing system. The work required to "evolve" the City's existing system has been time consuming and, therefore, almost two-thirds of the total program administration budget has been spent in the first year of the WMP.

A summary of the proposed revised scope of work (Exhibit B) is provided below. The table presented as Exhibit C provides a comparison between the approved and proposed fees. Expressed as a percentage of the construction budget, the proposed revised fee is approximately 12 percent of the \$40 million construction cost. This fee as a percentage of construction cost is reasonable for this type of work and includes the consultant performing most of the services that would normally be provided by City staff.

Task 1 Extends project management services from three years to seven years.

Task 2 Expands the data collection to include billing account, dwelling type, ownership, parcel number, address, water service type, water service location, and special conditions about the service for all 13,000 parcels in the WMP. It had been assumed most of this information resided in the City's existing database.

Task 3 Expands to include three-, five- and then seven-year phases.

Task 4 No change.

Task 5 Additional effort required at direction of City staff to restructure the original phasing to include the greatest number of the easiest installations in the first phase of the WMP.

Task 6 Increases the number of sets of construction documents from three to seven.

Task 7 Reduces the scope to include Bid Period Assistance only. It is normal for the City to contract for construction support services at the time of construction contract award. Costs for construction services average from five to eight percent of the construction cost.

Task 8 Expands the scope to include building a functional billing database that will be turned over to the City. Critical linkages were created between City account/billing tier information and County parcel/ownership/situs information and field data for service/dwelling type. This task required extraordinary effort in the first year of the WMP. Water meter procurement has been added to the scope of work. For each of the remaining seven years of the WMP, the administration effort will be approximately half of what it was in the first year.

Task 9 This task is added to the contract to prepare an update of the Lodi Standard Construction Specifications that were last updated more than 20 years ago. For a project of this size and type, it is a prudent investment to complete this update prior to the start of construction.

Amendment No. 1 will increase the RMC contract value by \$1,977,417 and the appropriation of \$2,250,000 is requested.

FISCAL IMPACT: The cost of this amendment is included in the Water Utility Financial Model.

FUNDING AVAILABLE: Requested Appropriation:
Water Fund (181): \$2,250,000

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

FWS/pmf

Attachments

Task Order No. 1

Exhibit A - Detailed Scope of Work

The City of Lodi Water Meter Program consists of the construction/installation of the following:

- Approximately 21 miles of new 6-inch water main to replace undersized (less than 6-inch diameter) existing mains located in backyard easements.
- Approximately 2,958 front yard water services and meters to replace back yard services rendered unusable by the relocation of back yard water mains.
- Approximately 13,300 residential meters, including approximately 624 meter only installations in existing meter boxes, approximately 2,669 standard meter box installations, approximately 10,058 Rich Box meter installations, and 2,958 new water services and meters.
- Administration and management support for the Water Meter Program to support ongoing City staff efforts.

This Scope of Work (SOW) for the City of Lodi (City) Water Meter Program includes eight major tasks that make-up the SOW. Each task outlines the various work components, identifies the responsible person(s), specifies the applicable work phase and duration when the task is to be completed, identifies the deliverables, and states the assumptions. The performance of this SOW by Consultant is for the sole benefit of the City and shall not be relied upon or sued by third party without the express written consent of the City and Consultant.

Task 1 - Project Management

Purpose: The Consultant shall manage its team in accordance with the defined tasks in effort to meet the programs objectives, schedule and budget. The Consultant shall establish and maintain open communication with the City representatives to ensure the project is progressing consistent with the City's objectives.

Lead: Mike Matson

Phase/Duration: Entire Contract Period/ 4-yrs

1.1 Budget and Schedule Tracking

Consultant shall manage the budget and overall Program schedule consistent with City objectives. Consultant is not responsible for delays beyond its control. Consultant shall communicate budget status and concerns with City monthly or more frequently if warranted.

- Prepare monthly invoicing (invoice at the task level and by phase). Invoice shall include a summary worksheet showing budget, reallocated budget, previously billed amount, current billing and percent billed
- Prepare detailed monthly progress reports to accompany the invoice. The progress report shall include the budget status (% spent, remaining), schedule status, and a list of project issues or outstanding items.

Deliverables:

- Monthly invoices, progress reports, and schedule updates.

1.2 Project Meetings and Communication

The following meetings and workshops are included under this task:

- Prepare for and administer monthly progress meetings throughout the project.
- Prepare for and administer project workshops including:
 - Project kick-off Workshop (one per phase)
 - Draft Self Installation Manual Workshop (one after first phase kickoff)
 - Phasing Goals/Criteria Workshop (one early in pre-design phase)

Scope of Work

- Public Communications Workshop (one early in pre-design phase)
- Database Development Workshop (one during pre-design phase)
- Draft Phasing TM Review Workshop (one during pre-design phase)
- Draft Preliminary Design TM Review Workshop (one during pre-design phase)
- 60% Design Submittal Workshop (one each during phases 4, 5, and 6)
- 90% Design Submittal Workshop (one each during phases 4, 5, and 6)
- Meter Database Workshop (one each during phases 4, 5, and 6)
- Meter Reading Workshop (one each during phases 4, 5, and 6)
- Consultant and City will create an executive committee to provide a high level overview of the program. The committee shall consist of City management staff and elected representatives, the Consultant program manager and the technical advisors for Consultant and its partner Nolte Associates, Inc. The meetings will be held quarterly and shall coincide with monthly project status meetings.

Summary of Meetings

Meetings, up to a maximum as identified in table.	Program Mobilization/ Predesign (2009 – 2010)	Phase 4 Design and Construction (2010 – 2011)	Phase 5 Design and Construction (2011 – 2012)	Phase 6 Design and Construction (2012 - 2013)
Kickoff Meetings	1	1	1	1
Progress Meetings	4	9	12	12
City Council/ Shirtsleeve Meetings	2	1	1	1
Executive Committee Meetings	4	2	2	2
Technical Workshops	4	2	2	2
Design Review Workshops	2	3	3	3
Construction Progress Meeting	26	26	26	26

Deliverables:

- Meeting and workshop agendas, prepare project materials, and meeting minutes.

Assumptions:

- Monthly project status meetings shall be held with the City at the City's offices or by teleconference.

1.3 Project Quality Assurance/Quality Control Plan

- Prepare a QA/QC procedures/plan
- Perform internal QA/QC on project deliverables

Scope of Work

Deliverables:

- Project QA/QC Plan memorandum

Task 2 - Data Collection

Purpose: Data collection is essential to help characterize the proposed setting for the project and identify City requirements and policies for the proposed construction during each phase. A thorough data collection effort will assist in design and implementation of a comprehensive water meter installation and water main replacement program.

Lead: Tom Dugan

Phase/Duration: All Contract Phases

2.1 Conduct Field Reconnaissance

Consultant shall conduct field visits to assist in characterizing conditions (i.e. utilities, land features, constructability concerns) that will be encountered. These observations will lay the groundwork to developing the existing conditions database. The Consultant will investigate the location and type of existing services and new service locations, and identify front yard hose bibbs (for service connections to relocated distribution mains) during these field visits. Consultant will review potential water main alignments and identify a proposed location for construction.

Deliverables:

- Field reconnaissance memoranda for each phase of work.

2.2 Information Research

Consultant shall research data available from the City including, but not limited to: water distribution system drawings, existing water meter data, available aerial photography and mapping, available MapGuide data, existing electric meter read schedule (for coordination with project phasing and meter read starts). Consultant shall define other data needs, as required to complete the project.

Deliverables:

- Data requests during each phase of work.

Assumptions:

- City will provide available information for current or forecasted City projects that may cause construction and scheduling impacts, and pavement moratorium
- City will provide available geotechnical data and information from nearby relevant projects along the proposed pipeline alignments. Further geotechnical investigations are assumed not required for the Program design and construction elements.
- City will review project area and provide information on potential contaminated soil and groundwater. For purposes of this scope, it is assumed that potentially hazardous materials will not be encountered along the proposed pipeline alignments. If there are known or suspected hazardous materials at any project location, the City shall notify the Consultant. The Consultant shall modify its approach as agreed upon with the City. In the event that potential hazardous subsurface materials are encountered visually or by odor, the Consultant's work in that area shall be immediately terminated. Consultant shall immediately notify the City so that a mutual decision can be reached on whether to continue, modify, or cease exploration of that area and whether more environmental assessment needs to be conducted.
- All proposed pipelines and appurtenances are assumed to be located on existing City property or ROW/easements. No pipeline easement legal descriptions and plats have been assumed.

Scope of Work

- City is responsible for acquiring the property owner's permission to access their property for exploratory investigations in an effort to design and establish a water connection from the mainline to the meter. RMC will facilitate and support this process.

2.3 *Utility Research and Mapping*

Consultant and its subconsultant, Nolte Associates, Inc. (collectively "Consultant") shall perform utility research, perform survey and prepare mapping for the project as follows.

Consultant shall research all underground utilities within project areas, including but not limited to service laterals to affected residences, water, sewer, storm drain, natural gas, telecommunications, power and cable lines. Utility owners shall be contacted to confirm locations.

Consultant shall collect limited pot hole data for critical identified utility lines in conflict with the design pipeline alignment and profile. The pot hole data shall include a surveyed horizontal and vertical location, utility type, utility size and depth.

Consultant shall develop suitable background mapping for the pipeline and meter construction components. Meter construction will be portrayed on 1" = 30' approximate scale non-rectified aerial photography. Pipeline plan and profile design will be presented on 1" = 30' topographic mapping. The mapping will be prepared based on the City horizontal and vertical datums. Features to be located and identified on the base mapping shall be determined with the City during preliminary design.

Consultant shall establish control points from City horizontal and vertical control monuments and/or up to six additional project control points per phase that can be used as benchmarks for construction staking. Consultant shall perform high order leveling to establish accurate vertical elevations for existing City monuments.

Consultant will perform a vertical control differential leveling survey to establish elevations on the twenty-four (24) horizontal control GPS Monuments established for the City of Lodi. This survey will be performed to Second-Order specifications as outlined in Chapter 8 of the Caltrans Survey Manual "Differential Leveling Survey Specifications" and will be tied to existing National Geodetic Survey (NGS) monuments with elevations established by differential leveling methodology and maintain a 1st Order, Class II, Stability C or better designation. Elevations shall be established on North American Vertical Datum 1988 (NAVD88).

Up to four (4) primary control loops and four (4) secondary control loops shall be conducted in the performance of the survey. Each primary loop will be tied to a minimum of four (4) NGS monuments, where available. Leveling will be performed using a Leica DNA Digital Level with Standard Bar Code Staffs. The primary loops will be constrained to the NGS monuments and adjusted using StarNet least squares software.

In addition to providing vertical control on the horizontal control GPS Monuments, Consultant shall include a maximum of twelve (12) existing City benchmarks into the Vertical Control differential leveling survey.

The vertical control survey shall include:

- Research of existing National Geodetic Survey (NGS) monuments and obtain Datasheets
- Performing field reconnaissance to confirm existence of NGS monuments
- Field planning for differential level primary and secondary loops
- Performing field surveys
- Performing Least Squares Adjustment
- Providing copies of field notes and final adjustment report

Scope of Work

- Providing spreadsheet delineating Point No., Monument Description, Monument Location and Elevation
- Providing geo-referenced photograph of monuments.

Deliverables:

- Data requests
- Summary of data collected
- Field reconnaissance memoranda
- Existing utility "dip" sheets
- Aerial photography proofs (1 set)
- Composite aerial photography, not rectified, in AutoCAD format
- AutoCAD mapping files including base map drawing showing street layout, lot lines, contours, and select planimetric features, utilities from back of sidewalk (or City right-of-way) to back of sidewalk (or City right-of-way) along public streets proposed for new water mains.
- Project Site Control for use during construction. List in MS Excel defining northing, easting, elevation, datums, physical description of points and narrative description of points
- Project Site Survey Control Diagram

Assumptions:

- City will provide assistance and access for Consultant to obtain information for existing water, storm water, sewer, power and other City utility information, as needed.
- City will provide available information on City survey control monuments that will be used for survey control for the project.
- Potholing will be limited to 5 field days over the three phases of design/construction.
- A Phase 1 Environmental Site Assessment for hazardous materials contamination is not part of this scope of work.

Task 3 - Phasing Technical Memorandum

Purpose: The City has identified a proposed phasing approach for the Water Meter Program. The Consultant shall review the City's proposed phasing plan identify potential refinements and adjustments that could provide additional benefits relative to cost, community impacts and overall efficiency of implementing the metering program.

Lead: Tony Valdivia

Phase/Duration: Preliminary Design Phase

3.1 – Review Existing Phasing Plan

Consultant shall review the existing phasing plan, including conducting discussions with City staff to understand the basis for the current plan. Consideration will also be given to discussions from the phasing workshop.

3.2 – Identify Phasing Goals /Criteria

Consultant shall identify phasing goals and criteria. Key phasing goals to be considered include:

- Cash flow: City will collect fees for installation, allowing for multi-year financing at low interest rates, self installation or upfront payment. Phasing plan must balance cash flow over the years of implementation

Scope of Work

- Minimize repeated disruption to neighborhoods and roadways, minimize duration of disruptions
- Coordinate with other City and utility projects
- Distribute work evenly over phases relative to:
 - Length of pipe
 - Number of connections/meters
 - Type of services
 - Compatibility with current Electric Utility Department (EUD) meter reading routes
 - Cost (develop cost estimates for each phase)
- Consider age and condition of pavement and pavement moratoria status

Assumptions:

- Phasing goals and criteria will be held with the City at the Phasing Goals/Criteria Workshop (part of **Subtask 1.2 – Project Meetings and Communication**). Results of this meeting will be used to guide the review and optimization of the Phasing Plan.
- City will provide cash flow constraints for evaluating phasing refinements/adjustments

3.3 – Evaluate Phasing Plan against Goals/ Criteria

Consultant shall compare the existing phasing plan with the goals and criteria identified in task 3.2.

3.4 – Optimize Phasing Plan

Consultant shall evaluate optimizations to the phasing plan to efficiently meet the criteria and goals identified in task 3.2

3.5 – Draft Phasing TM

Consultant shall prepare a draft phasing TM summarizing the changes recommended in the optimized phasing plan.

Assumptions:

- The City shall participate in a workshop to discuss results of the Draft Phasing TM and shall provide comments for consultant to incorporate into the Final Phasing TM.

Deliverables:

Draft Phasing Technical Memorandum (one pdf and one hard copy)

3.6 – Final Phasing TM

Consultant shall submit a final phasing TM.

Deliverables:

- Final Phasing Technical Memorandum (one pdf and one hard copy)
- GIS Map(s) identifying areas/pipelines included in each phase and the proposed construction schedule within each phase

Task 4 - Self-Installation Manual

Purpose: Consultant shall prepare the City's Self Installation Manual to instruct property owners wishing to self-install their meters. Manual will provide property owners with information regarding eligibility to participate, property owner

Scope of Work

rights and obligations upon undertaking self-installation, instructions on where and when to obtain a meter, pricing of (fees for) the meter, permitting of the installation, inspection requirements, and instructions on where to find additional information. Consultant shall be the primary contact for questions/concerns and for organizing distribution of meters. All communications shall be logged.

Lead: Mike Matson

Phase/Duration: Preliminary Design / November – December 2009

4.1 – Define City/Owner Responsibilities

Consultant shall define City and homeowner roles and responsibilities.

4.2 – Define Meter Procurement Strategy

Consultant shall define a meter procurement strategy. The strategy needs to address uncertain meter needs during the self installation period, including bulk delivery, storage and distribution of meters to property owners. The end use registration to the proper customer must also be provided for. Strategies include pre-negotiation of a supply and service agreement with a meter vendor, purchase of meters by the City on an as-needed basis, procurement of meters through a construction contract or a combination of these strategies. Consultant shall work with City procurement staff to define the needs and evaluate the alternatives. Consultant shall make a recommendation for consideration by the City.

Consultant shall also perform an evaluation of fixed meter reading network alternatives for consideration in the meter procurement strategy development. Consultant shall research up to four alternative fixed network alternatives (selected based on discussions with City staff) and prepare a comparative matrix evaluation that identifies the capabilities, cost and implementation requirements for the alternatives, and identifies compatibility issues with the City's existing Itron 60W series ERTs. Consultant shall recommend a fixed network solution for consideration by the City.

Deliverables:

- Technical Memo –Water Meter Procurement Strategy (one pdf and one hard copy)

Assumptions:

- City of Lodi will negotiate all agreements with any third party for the procurement of water meters.
- City of Lodi will select the fixed network solution for implementation outside of the scope of this project. The fixed network solution will drive the meter/ERT specification for the project.
- Implementation of the recommended meter procurement strategy by Consultant is not included in the scope of work.

4.3 – Identify Program Implementation Strategy

Consultant shall identify a meter self-installation program implementation strategy.

4.4 – Develop Program Information Dissemination Campaign

Consultant shall develop a meter self-installation program information dissemination campaign.

4.5 – Draft Self-Installation Manual

Consultant shall prepare a Draft Meter Self-Installation Manual for City review.

Deliverables:

- Draft Self Installation Manual (one pdf and one hard copy)

Scope of Work

Assumptions:

- The City shall participate at a workshop to discuss the draft Meter Self Installation Manual and shall provide comments for Consultant to incorporate into the final Self Installation Manual.
- The draft Self Installation Manual shall be limited to a public works review for acceptability.

4.6 – Final Self-Installation Manual

Consultant shall prepare a final Self-Installation Manual. The final Self-Installation Manual shall be ready for distribution by January 2010.

Deliverables:

- Final Self Installation Manual (one pdf and one hard copy)
- Communications log

Assumptions:

- The final Self Installation Manual will be a desktop published document with a layout acceptable to City. The look of the document will be based on other similar City documents. City will provide electronic templates and graphics necessary for the layout. RMC will provide graphics associated with the manual instructions and content.

Task 5 - Preliminary Design (30%)

Purpose: The Consultant shall prepare a complete preliminary design (approximately 30% design level) submittal covering all phases of implementation in accordance with the Phasing Plan TM developed under Task 3. The purpose of the preliminary design is to establish a consistent basis for the subsequent Phases 4, 5 and 6 final design efforts.

Lead: Tony Valdivia

Phase/Duration: Preliminary Design / January to May 2010

5.1 Define Submittal Content at each Project Stage

Consultant shall define submittal content requirements for each Final Design stage. Assumptions regarding these deliverables are presented under **Task 6, Task 7 and Task 8** of this Scope of Work. The intent of this subtask is to document the assumed deliverables and content for these submittals and to provide the opportunity to refine these assumptions early in the project.

5.2 Develop Design Criteria and Standards

Consultant shall develop design criteria, assumptions and standards for Final Design (Task 6). Criteria will include pipeline material and sizing, standards for pipeline installation and abandonment, preferred construction techniques (minimally invasive for meter installation), meter and electronic meter reading standards, surface restoration, traffic control (as appropriate), etc.

5.3 Develop Preliminary Typical Connection Details and Pipeline Alignment

Consultant shall develop preliminary typical connection details addressing types of existing connection configurations identified during field visits. Details shall be compatible with minimally invasive construction techniques whenever possible (micro-tunneling, connection at existing hose-bibbs, etc.)

Consultant assumes that four typical meter installation types are required:

- Rich Box converted to a standard meter in rear yard or alley (Main size greater than or equal to 6", no main relocation)

Scope of Work

- Rich Box abandoned in rear yard and new service installed in front yard with connection to new main (connection to hose bib or other accessible site)
- Install meter in existing standard meter box
- Install meter in existing non-standard meter box

Consultant shall also develop proposed pipeline horizontal alignments for relocated pipelines showing:

- Background mapping (streets and key topographic features)
- Abandonment or removal of existing pipelines

5.4 *Develop Concept for Preliminary Contract Documents and Bid Schedule*

Consultant shall develop a conceptual drawing, specifications and bid schedule for use in the contract documents. The bid schedule will define the structure by which the project is bid by contractors, as well as the basis for payment during construction. It will also identify the cost for which the property owner is responsible for meter installation. The preliminary bid schedule will be refined based on discussions with the City.

Consultant will work with the City to identify the minimum required features that will be shown and located on the background mapping for the pipeline plan and profile drawings and the meter installation drawings.

5.5 *Define City/Consultant Roles and Responsibilities during Construction*

Consultant shall coordinate with the City to define City and consultant roles during Construction. Consultant's assumed roles and responsibilities are defined under Tasks 7 and 8 of this Scope of Work; the intent of this subtask is to document the respective roles of the project team and to make any required refinements to these roles and responsibilities early in the project.

5.6 *Develop Preliminary Construction Costs*

Consultant shall develop a preliminary construction cost estimate for the project, including pipeline and meter installation. The preliminary construction cost estimate shall be appropriate in detail and accuracy for a planning level effort (+/- 30%). Contingencies will be applied to account for unforeseen conditions and project unknowns. The cost estimate will be developed to correspond to the proposed project phasing; the net present value (NPV) of each phase will be developed and the cost estimate for each phase will be projected to the assumed mid-point of construction.

5.7 *Develop Preliminary Construction Schedule*

Consultant shall develop a construction schedule for the project, based on the revised Phasing Plan developed under **Task 3** and the preliminary pipeline alignments developed under this task. The construction schedule shall be separated into three-year increments (not including the self-installation period), and for each construction year the preliminary schedule will define the assumed bid date, award date, start of construction, completion of construction and post-construction activities.

5.8 *Draft Preliminary Design TM*

Consultant shall develop a preliminary design TM for internal review. The TM will be comprised of the items developed under the subtasks above, with reference to the previously developed Phasing Plan. Content is anticipated to include:

- Project overview (planning, design, construction and post-construction)
- Description of project schedule and anticipated deliverables
- Project design and performance criteria

Scope of Work

- Typical meter/connection details
- Preliminary pipeline alignments
- Preliminary cost estimates (by phase)
- Preliminary construction schedules (by phase)
- Defined roles throughout project (RMC, City, others)

5.11 Final Preliminary Design TM

Consultant shall develop a Final Preliminary Design TM, incorporating comments from the City. The final TM will bear the stamp of the Consultant's Project Manager and will form the basis for Final Design.

Deliverables:

- Draft Preliminary Design Technical Memorandum (one pdf and one hard copy)
- Final Preliminary Design Technical Memorandum (one pdf and one hard copy)

Assumptions:

- The City shall participate at a workshop to discuss results of the Admin Draft Preliminary Design Technical Memorandum and shall provide comments for consultant to incorporate into the Final Preliminary Design TM.
- Pipeline alignments presented as part of the preliminary design deliverables will be general and illustrative in nature. Detailed backgrounds (aerial photography or survey contours) are not anticipated to be available, nor required; backgrounds are anticipated to be street and parcel backgrounds (GIS shape files) provided by the City or otherwise made available to Consultant.
- This task does not include the development of pipeline profiles.
- City will identify cost items for which individual property owners are responsible for use in developing a conceptual bid schedule.

Task 6 - Final Design

Consultant shall develop drawings (plan and profile for new mains and plan view for meters and services) for each phase. The final design will ultimately result in a comprehensive set of bid documents and plans for each phase (4, 5, 6) of work that the City of Lodi can publicly bid for the water meter installation and mainline relocations. Project phases shall be designed and constructed in sequence, in accordance with the preliminary construction schedule developed under Task 5. It is assumed that Phase 4 design shall be completed and ready for bid by January 1, 2011. Design of subsequent phases (5 and 6) shall be completed during construction of previous phase(s) to be advertised for bid in January of subsequent years. Each phase shall go through 60%, 90% and Final Design, as defined below, with separate submittals for each phase, and each submittal shall gain detail and respond to City's comments on previous submittals.

Lead: Tony Valdivia

Phase/Duration: Phase 4, Phase 5, Phase 6

6.1 60% Design

Consultant shall perform engineering and design activities to develop a 60% level of completion for the project facilities. The submittal shall include the following components:

- Plan and section views of all relocated pipelines showing points of connection for relocated connections and utilities.
- Location and type of meter for new meter installations

Scope of Work

- Design details, including meter installation, connections, roadway paving, trenching, etc.
- Technical specifications for major equipment or project components and a complete table of contents for the final design package.
- Engineer's cost estimate (current phase only), projected to mid-point of construction.
- Design memorandum summarizing contents of the submittal package, outstanding items, etc.

Deliverables:

- 60% Design Submittal Packages
 - Five (5) hard copy sets of 11x17 drawings and 8-1/2 x 11 specifications
 - One (1) CD-Rom containing pdf format files of the drawings, specifications, and supporting documentation)

Assumptions:

- Consultant shall prepare drawings in AutoCAD using the City's standard title block and CAD standards. Drawings to be developed in AutoCAD 2008 unless City provides a preferred standard prior to Preliminary Design (Task 5)
- Specifications shall be 16 Division CSI format, prepared in MS Word. Consultant shall use the City's front end specifications (Division 0 and 1) edited to make them project specific.
- Consultant shall organize the submittal CD-Rom for easy navigation. Drawing and specification files will be titled for easy identification.
- Backgrounds for project drawings shall be appropriate for the intended use, as defined under Task 2.3.
- Drawing scale is assumed to be 1" = 30', as defined in Task 2.3. All distribution main pipeline design shall be presented on two panel plan and profile drawings using Consultant drawing template.

6.2 90% Design

Consultant shall perform engineering and design activities to develop a 60% level of completion for the project facilities. The 90% Design Submittal shall incorporate City comments received on the 60% Design submittal. The 90% submittal shall include the following components:

- Plan and section views of all relocated pipelines showing points of connection for relocated connections.
- Plan, section, and detail drawings showing the location and type of meter installation for new meter installations and providing notes for special-circumstance installations.
- Design details including meter installation, connections, roadway paving, trenching, etc.
- Complete technical specifications.
- Engineer's cost estimate.
- Design memorandum summarizing contents of the submittal package, outstanding items, etc.

Deliverables:

- 90% Design Submittal Packages
 - Five (5) hard copy sets of 11x17 drawings and 8-1/2 x 11 specifications
 - One (1) CD-Rom containing pdf format files of the drawings, specifications, and supporting documentation)

Scope of Work

Assumptions:

- Same as 60% Design.

6.3 Final Design

Consultant shall finalize the drawings and specifications based on the 90% design submittal review comments from the City. The final design submittal shall be signed and stamped by the responsible engineer. The final design submittal shall include the following components:

- Final drawings and specifications
- Final engineer's cost estimate

Deliverables:

- Final Design Submittal Package
 - One (1) full-size, camera ready, unbound mylar set of drawings
 - Five (5) hard copy sets of 11x17 drawings and 8-1/2 x 11 specifications
 - One (1) CD-Rom containing pdf format files of the drawings, specifications, and supporting documentation

Assumptions:

- Same as 60% Design.

Task 7 - Bidding and Construction Support

Purpose: City of Lodi, at their discretion, may utilize the Consultant's services during the Bid Period and Construction activities. The engineer's service shall facilitate the City's effort to bid and award the pipeline replacement and meter installation contracts.

Lead: Tony Valdivia

Phase/Duration:

Phase 4 / NTP - April 2011, Construction – April to Oct 2011, Closeout – Oct to Dec 2011

Phase 5 / NTP – April 2012, Construction – April to Oct 2012, Closeout – Oct to Dec 2012

Phase 6 / NTP – April 2013, Construction – April to Oct 2013, Closeout – Oct to Dec 2013

7.1 Bid Period Services

Consultant shall assist the City in administering bid-phase activities for each project phase including:

- Coordinate with City's printing vendor to produce bid sets for contractor distribution. Vendor typically handles distribution and charges bidders by the set. Consultant shall deliver a .pdf file to vendor.
- Maintain plan holders list
- Respond to bidder questions
- Prepare and distribute addenda to plan holders, as required
- Administer pre-bid meeting (1 per phase)
- Evaluate bids for completeness

Deliverables:

Scope of Work

- Bid documents (up to 30 sets, specifications and half-size drawings)
- Pre-Bid meeting agenda and minutes
- Plan holders list
- Bidder inquiry and response log
- Up to two Addenda, as needed
- Bid evaluation forms and recommendations
- Submittal review comments
- Responses to RFIs and/or Clarifications

Assumptions:

- Consultant shall be the main point of contact for bid inquiries.
- City shall provide data and/or input as necessary to address bidder questions.
- City shall appoint a construction manager who shall be responsible for administering the construction contract and shall be the Consultant's main point of contact.

7.2 Engineering Services During Construction

Consultant shall provide construction support to the City for each project construction phase including:

- Maintain a project office, furnished by the City, within the City of Lodi and provide staff as required to perform construction phase activities. Project office shall be suitable for meetings with tenants and property owners and shall include space for construction contractor community liaison.
- Advise construction contractor/construction manager, as required, during meter and pipeline installation on a site-by-site basis. For example, Consultant shall confirm with the contractor which type of meter installation is applicable for each affected property and shall determine if special conditions or conflicts exist at properties, and direct contractor regarding how to address issues in the field.
- Attend construction meetings, as requested, up to one a week. Attendance is assumed to be coincident with Consultant presence in local project office and not requiring a separate trip to the City project site.
- Review of construction submittals.
- Respond to requests for information (RFIs) and/or clarifications.
- Review of proposed change orders and participation in negotiations on behalf of the City, as needed.

Deliverables:

- Construction meetings and site visit memos
- RFI/Clarification Log
- Change order reviews/negotiations
- Contractor as-built drawings documentation

Assumptions:

- Field inspections are not included in the scope
- City shall provide data and/or input as necessary to address Contractor's questions.

Scope of Work

- The City shall be responsible for implementing its policies and procedures for public works procurement, purchasing and construction.
- City shall appoint a construction manager who shall be responsible for administering the construction contract and shall be the Consultant's main point of contact.
- Consultant shall provide public coordination; meter coordination with property owner

Task 8 - Meter Program Administration

Purpose: Consultant shall serve as the program administrator for the Meter Program. This approach will centralized all incoming and outgoing correspondence relating to the installation, implementation, and troubleshooting of the meter program. The centralized information will be processed in a usable format and accessible at the City's request.

Leader: Tom Dugan

Phase/Duration: All Phases

8.1 – Development of Public Communications Materials

Consultant shall be the primary public contact for questions/concerns prior to and during construction and shall maintain a local presence as needed.

Consultant shall provide notices to affected property owners/residents. City shall provide a mailing list database of property owners and residents. Both property owners and customers must be contacted, as appropriate. Consultant shall develop draft notices, as defined in the following table, and submit to City for review/comment. Consultant shall be responsible for all reproduction and mailing costs.

Consultant shall maintain a database containing a record of communications, including all notices mailed, responses to such notices, dates on which individual meters installed and dates on which meters are initially read by the City. Such information shall be entered into a database compatible with the City existing billing database such that complete records can be turned over to the City at any time during program implementation and at the conclusion of the project.

Consultant shall provide information to City suitable for posting on City website for public notice of project status.

The specific communications, content and timing are outlined preliminarily in the table below. A public communications workshop will be held early in the preliminary design phase to review the attached and adjust as deemed necessary. Public outreach is not included in this scope of work except to provide informational notifications as shown in the table.

Proposed Lodi Water Meter Program Mailings and Door Hangers (subject to modification based on City and Consultant discussions)

Mailing	Addressed to	Number of parcels	Number of mailings or hangers	Type	Content	Timing/Approx Date
Program Startup and Phase 4						
1	All residents + owners	13,289	21,700	Postcard	Announcement to introduce meter program & procedures to self-install meter	Prior to Self Install Program commencement December 2009
2	All Phase residents + owners	13,289	21,700	Postcard	Preliminary Design Announcement and Phasing of work	Preliminary Design Complete April 2010
3	All Phase 4 residents + owners	3,961	6,500	Postcard	Announcement to all parcels in Phase 4 with general construction planning information	Final Design Complete November 2010
4	Phase 4 residents - main replacement plus spares	971	2,000	Door Hanger	Description of locator stake, Announce construction week	1 month prior to installation April-October 2011
5	All Phase 4 residents	3,961	4,400	Door Hanger	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2011
6	Phase 4 non-resident owners	3,961	1,900	Postcard	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2011
Phase 5						
7	All Phase 5 residents + owners	2,801	4,600	Postcard	Announcement to all parcels in Phase 5 with general construction planning information	Final Design Complete November 2011
8	Phase 5 parcels - main replacement plus spares	670	1,400	Door Hanger	Description of locator stake, Announce construction week	1 month prior to installation April-October 2012
9	All Phase 5 residents	2,801	3,100	Door Hanger	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2012
10	Phase 5 non-resident owners	2,801	3,100	Postcard	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2012
Phase 6 and Program Close Out						
11	All Phase 6 residents + owners	6,527	10,700	Postcard	Announcement to all parcels in Phase 6 with general construction planning information	Final Design Complete November 2012
12	Phase 6 parcels - main replacement plus spares	1,307	2,700	Door Hanger	Description of locator stake, Announce construction week	1 month prior to installation April-October 2012
13	All Phase 6 residents	6,527	7,200	Door Hanger	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2013
14	Phase 6 non-resident owners	6,527	3,100	Postcard	Announce Completion of Construction and when meters would be read	After Completion of Construction December 2013

Scope of Work

Upon receiving City approval of the notification layout and content, the Consultant will produce the necessary number of mailers, then address, stamp and mail the notifications. All responses to the mailers will be directed to the Consultant at the City office location.

Notices, incorporating City comments, shall be mailed at approximately the following project milestones:

- December 2009 – Program and Self Installation Announcement: Consultant shall mail notices to **residential property owners under the program** to introduce the water meter program, describe the intent and scope of the program and present payment/financing options to residential water customers, including the option to self-install in accordance with the Self-Installation Manual developed by the Consultant.
- April 2010 – At the conclusion of Preliminary Design: Consultant shall mail notices to **residential property owners and tenant customers under the Meter Program** describing the intent and scope of the Water Meter Program, estimated schedule for implementation for each affected property, answers to frequently asked questions, and Consultant contact information to obtain additional information.
- November 2010/November 2011/November 2012 – At the conclusion of 90% Design: Consultant shall mail notices to **residential property owners and tenant customers affected under the current phase**. The notice shall present the general construction schedule and describe the general construction activities and impacts and provide the Consultant contact for obtaining additional information and/or submitting concerns/complaints prior to or during construction. Information on estimated cost and property owner payment plans will also be included in this notice.
- April to October 2011/ April to October 2012/ April to October 2013 – After award of Construction Contract: Consultant shall mail notice to **residential property owners and tenant customers affected under the current phase** with specific dates for meter installation at least one month ahead of planned construction. Notice shall confirm that property owners and/or tenants did/did not submit written concerns, and whether such concerns have been resolved, and remind recipients of Consultant contact information for additional inquiries. Final cost and payment information will also be provided in the notice.
- December 2011/December 2012/December 2013 – At the conclusion of meter installation: Consultant shall mail notices to **residential property owners and tenant customers affected under the current phase** confirming that meter installation is complete, noting the date of completion and notifying property owners of the date on which meter reading and billing will begin in accordance with City of Lodi requirements for public notification.

Deliverables:

- Draft and Final Public Notices

Assumptions:

- City shall provide Consultant working office space within City offices that will be a main point of interfacing with the public.

- City shall provide an up-to-date mailing list database of residential property owners and tenant residents. Including both owners and tenants, the City estimates a total of 25,000 mailing addresses affected by the Meter Program.
- Consultant shall be responsible for all reproduction and mailing costs of public notices and shall not utilize City resources for these activities without City approval.

8.2 – Develop and Maintain Meter Database

Consultant shall be responsible for ensuring that meter installations are properly registered to the correct customer/parcel, administering and documenting meter installation and acceptance by City and coordinating City start of meter reads. Consultant shall work closely with and follow direction of the City and shall implement the program in keeping with City's policies and procedures.

Consultant shall maintain and complete documentation in the form of an electronic database as required by the City of Lodi for meter installation. This information includes meter specifications, meter serial number, electronic radio transmitter specifications and register numbers, electronic radio transmitter serial number, address, parcel number and initial meter read and date.

The Consultant shall develop a Meter Installation Documentation Plan that will define how the information will be collected, processed, and administered to the City. The plan will discuss the database format and content, and how the database will be integrated into the City's system.

Deliverables:

- Final Meter Installation Documentation Plan (one .pdf and one hard copy)
- Meter Installation Documentation
- Meter Program Database (compatible with Oracle DB2/400 format)

Assumptions:

- City will work with Consultant to provide access to City database, if proprietary. Purchase of database software is not included in this scope of work.

8.3 – Develop and Implement Meter Reading Program

Consultant shall work with the City to develop a meter reading schedule that complements existing electricity meter readings. Consultant will communicate to the City's meter reading staff when meters have been accepted and are ready for initial read. The initial intent is that water and electric meters will be read concurrently using remote reading methods). Presence will be maintained at a local Lodi office to address any concerns regarding the meter reading program.

Deliverables:

- Draft and Final Meter Reading Schedule (one .pdf and one hard copy)
- Final Meter Database (including initial meter reads)

Assumptions:

- Consultant shall be present during initial meter reads.

Scope of Work

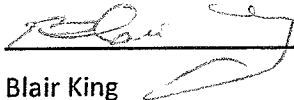
Fee Estimate

The fee estimate for this scope of work is attached.

Schedule

The schedule for this scope of work is attached.

Approved per Resolution No. 2009 -



Blair King

City Manager



ATTEST:

Randi Johl

City Clerk



D. Stephen Schwabauer

City Attorney

Amendment No. 1 to Task Order No. 1
Exhibit B
Detailed Scope of Work

This Amendment No. 1 to Task Order No. 1 (Amendment No. 1) has been prepared to account for changes in the Scope of Work and Budget for the Water Meter Program (WMP) as originally scoped in October 2009. The following amended Scope of Work describes these changes that are necessary to accommodate a 7 phase construction program through to the end of 2017. Design of the seven construction packages will be consolidated over a two year period from 2011 to 2012/13.

The following generally describe the scope modifications and changed project conditions addressed in this Amendment No. 1.

- The original project duration has been lengthened twice since work on the WMP began in October 2009. The original scope was intended for a three phase construction program ending in 2013. Action by the City associated with review of the Water Utility reserves and the water rate setting process extended the implementation of the WMP to five phases, ending in 2015. Recent action by the City has extended the implementation to seven phases, extending the WMP implementation period starting in 2010 and ending in 2017. This Amendment No. 1 extends the WMP support services and project management activities to the end of 2017.
- The meter installation classification process was accelerated so that all properties could be noticed through a Proposition 218 process in early 2011 and then billed for meter installation starting in July 2011. The field reconnaissance effort was also expanded from the original scope to collect information that would allow early notification to each parcel owner of their meter installation class and associated cost. This information will also be provided to the installation contractors to reduce unknowns.
- The existing City database, from which the original scope of work was developed, required significant verification, investigation and supplementing, including a parcel by parcel review of service information and serving main identification in order to validate the meter installation class quantities and main replacement pipeline length. The database also proved to be inadequate in determining the type of residence (single family, duplex, triplex, quad-plex, higher density apartments, condominiums and trailer parks) and whether the residence was occupied by the parcel owner or a tenant. The level of effort required to perform these data reviews exceeded the original scope.
- Additional main replacements were identified (increase from 22.2 miles to 25.4 miles) and will be included in the design of seven construction phase packages.
- The initial level of effort for communication with the community has been substantially greater than anticipated, resulting in a higher level of effort to meet the City's needs. This additional effort is included in Amendment No. 1 along with extending this activity at a reduced level of effort to the end of 2017.
- Modification and reconciliation of the County Assessor's Parcel Map (APN) database and City's Customer Information System (CIS) database and the City's MapGuide GIS database to support the water usage based billing process resulting from the WMP exceeded original scope level of effort assumptions and estimates.

- Administration of the Privately Contracted Meter Installation (PCMI) program has been performed during the 2010 calendar year. Administration of the program was not included in the original scope of services
- Additional support services for the Water Meter Program have been identified in the initial ten months of the project. This includes assisting the City in creating the WMP cash flows for several phasing alternatives and working with the City's rate consultant to refine the water utility rate model.

The original Scope of Services is amended as follows:

Task 1 - Project Management

Purpose: The Consultant shall manage its team in accordance with the defined tasks to meet the WMP objectives, schedule and budget. The Consultant shall establish and maintain open communication with the City representatives to ensure the project is progressing consistent with the City's objectives.

Amendment Changes:

1. The project management level of effort has been increased since the start of work due to ongoing additional work requests, requiring additional coordination, tracking, and reporting. Additional meetings have been conducted to maintain information flow between the City and Consultant team. The result has been a definition of the work and the process for executing the scope of services that will allow for a reduced level meetings and management time. The quality assurance and quality control level of effort will increase due to additional phase bid packages and additional main replacement design work.

Original TO1 Budget: \$330,960

Proposed Amendment Budget: \$770,000

Task 2 - Data Collection

Purpose: Data collection is essential to help characterize the proposed setting for the project and identify City requirements and policies for the proposed construction during each phase. A thorough data collection effort will supplement available City information from its CIS and MapGuide databases to assist in design and implementation of a comprehensive water meter installation and water main replacement program.

Amendment Changes:

1. Approximately 18,500 feet of replacement main has been added to the WMP and will require additional survey and mapping, utility research and field verification by the design team.
2. The field reconnaissance program has been required for several reasons, consisting of performing a field review of each residential parcel (excluding higher density residential parcels) for the purpose of recording parcel specific information. This information was necessary to:
 - a. meet City notification requirements under Proposition 218 associated with charging property owners for the cost of meter installation through a determination in the field of a meter installation class based on existing water service configuration for each parcel
 - b. verify street address and assessor's parcel number match that was not evident in the City's CIS database but is critical in establishing property owner accounts within CIS for absentee (non-resident) property owners

- c. Additional information was collected through the field reconnaissance program to facilitate an update of the City's CIS database specifically for the premise type. This is necessary for accurate assignment of a water rate structure for each residential parcel under the WMP. The City's existing CIS database is not accurate in this respect.
- d. Additional parcel-specific information has been collected that will be disclosed to the City's construction contractor to reduce unknowns and eliminate contingencies in contractor bids. Experience with the Infrastructure Replacement Project No. 3 indicates this effort will result in savings well in excess of \$1 million.

Field reconnaissance is expected to be complete by the end of 2010.

Original TO1 Budget: \$584,198

Proposed Amended Budget: \$1,100,000

Task 3 - Phasing Technical Memorandum

Purpose: The City identified a proposed phasing approach for the Water Meter Program that served as the basis for the original scope development. The Consultant reviewed the City's proposed phasing plan to verify the approach would result in efficiency in implementing the original 3-phase metering program (2010 to 2013).

Amendment Changes:

1. During the initial months of work on the WMP implementation, the City extended the program from three annual phases to five. The phasing plan was revised to accommodate this extension in February 2010, with a goal of maximizing the more straightforward meter installations in earlier phases and minimizing main replacements. The duration of the WMP was 2010 to 2015.
2. Subsequent to adopting the five phase implementation plan, the City has extended the WMP to seven phases (2010 to 2017). The five WMP phases were rebalanced to maximize initial meter installations and minimize replacement pipeline in the first phase. The Consultant will be developing a new phasing configuration for the current Phases 2 through 7.

Original TO1 Budget: \$20,032

Proposed Amended Budget: \$60,000

Task 4 - Self-Installation Manual

This task is unchanged. Work was complete in January 2010. Subsequent administration of the Privately Contracted Meter Installation program was not in the original scope and is described in Task 8.

Task 5 - Preliminary Design (30%)

Purpose: The Consultant shall prepare a complete preliminary design (approximately 30% design level) submittal covering all phases of implementation in accordance with the Phasing Plan developed under Task 3. The purpose of the preliminary design is to establish a consistent basis for the three subsequent Phase final design efforts.

Amendment Changes:

1. The preliminary design task required additional efforts associated with reviewing the City's MapGuide GIS database. Numerous inaccuracies were identified, impacting the number of meters and classes of meter installation and the length of undersized water mains requiring replacement. A parcel by parcel search of water service and serving water main information

was necessary to properly define the WMP. This verification work was not anticipated in the TO1 scope of work and resulted in identifying an additional 3.2 miles of main replacement and segregating the residential parcels into single family, duplex, triplex, quad-plex and higher density multi-family residential.

2. As the definition of the WMP evolved through the verification process, the City requested that the balance of meter installations by class and simplicity and associated main replacement work be reconfigured in the phasing plan to put the simplest meter installations (newer portions of Lodi) in earlier phases. This effort resulted in several iterations of alternative phasing boundaries.

Original TO1 Budget: \$63,753

Proposed Amended Budget: \$94,000

Task 6 - Final Design

Purpose: Prepare design documents for use in bidding and constructing WMP improvements in three construction phases. Consultant shall develop drawings (plan and profile for main replacements and plan views for meters and services), specifications and construction cost estimates for three annual construction packages between 2010 (Phase 1) and 2012 (Phase 3). Project phases shall be designed and constructed in sequence, in accordance with the preliminary construction schedule and phasing plan developed under Tasks 3 and 5. Each phase design shall go through 60%, 90% and Final Design submittals.

Amendment Changes:

1. The project implementation has been lengthened to include seven construction phases, requiring seven separate construction packages. Also, the main replacement component has expanded by approximately 18,500 feet.
2. To minimize additional design costs, Consultant shall consolidate the design and development of the remaining six phase bid packages into a more efficient design period of approximately 2 years in duration. The Phase 1 design is nearing completion and will be advertised for bid in January 2011.

Original TO1 Budget: \$821,463

Proposed Amended Budget: \$1,200,000

Task 7 - Bidding and Construction Support

Purpose: The Consultant shall support the City in bidding of the three construction projects and during construction. The City is responsible for field inspection and contract administration. The Consultant is responsible for typical engineering services during bidding and construction, coordinating construction with the community and neighborhoods and supporting other associated City efforts.

Amendment Changes:

1. The scope of services is reduced to eliminate construction support services for the WMP. The intent of the City is to address construction management, construction contract administration, field inspection and engineering services during construction at the time of award of a construction contract.

2. The scope of services had been increased to provide bidding support for each of the seven phases of construction. The bid support tasks include developing responses to bidder inquiries, preparing addenda, participating in the pre-bid conference, reviewing the bid results in support of award of the contract, and preparing conformed contract documents.
3. Updating of the bid documents prior to advertising may be required for construction contract bid phases that are initiated more than six months following completion of the design process under the consolidated design approach described for Task 6. The intent of the City is to address this process at the time of approval to advertise a package for bidding. This updating process is not included in the scope of work.

Original TO1 Budget: \$468,551

Proposed Amended Budget: \$175,000

Task 8 - Meter Program Administration

Purpose: Consultant shall serve as the program manager for the WMP. Program management activities include assisting the City in development of financing information, construction cost projections, implementation policies, community communications and notifications. This approach will centralize all incoming and outgoing correspondence relating to the installation, implementation, and troubleshooting of the meter program.

Amendment Changes: The approach for WMP program administration has evolved based on experience during the initial 10 months of the WMP. The following are the significant changes affecting scope and level of effort.

1. Extraordinary level of effort has been necessary in handling inquiries from the public. As of the end of September 2010, the Consultant has fielded, responded to and documented 723 communications from the community, with a peak month volume at 164 communications. Responding to this level of incoming communications has resulted in two staff people being in Lodi between 3 and 4 days a week for the initial 10 months of the WMP.
2. The program management activities are extended through 2017 at a reduced level of effort that provides for local presence approximately two man-days per week.
3. Consultant will continue to develop a quarterly newsletter outline and materials for development and distribution by the City, and revise and update billing and other notices through to the end of the WMP in 2017.
4. Consultant has conducted presentations for several service clubs, organizations, and stakeholder groups not anticipated in the original scope of services. Consultant will continue to be available for these presentations as requested by the City and within the Consultant's local office presence budget.
5. Because of the state of the City's CIS database relative to the need for modifications to accommodate usage based billing and billing of absentee property owners for meter installation, the Consultant has expended significant effort not anticipated in the TO1 scope of work in development of a metering database from the City's CIS database to prepare the City for initiating usage based water billing. This work included:
 - Developing a correlation between the CIS premise codes and assessor parcel numbers
 - Determining the occupant status of residents (owner or tenant) for use in determining new customers for meter installation billing and for notification purposes. Absentee property

- owners will become new billing customers when the City initiates billing for meter installation costs.
- Expanding the database to provide a repository for parcel specific information collected through the field reconnaissance program.
 - Verifying the existing CIS information relative to premise type (related to water rate structure), current metered customer accounts and meter read history.
 - Soliciting and consideration of input from the City's IS and Finance departments to understand the billing process under the flat water rate structure and help develop a transition plan to convert to a usage based structure over the seven phases of the WMP.
 - Addressing City policy implications for metering of parcels with atypical configurations or characteristics.
 - Analyzing historic meter read information to assess quality assurance needs for the City.
 - Developing water use comparison bills for metered customers in the year prior to initiating metered use bills. The evolving database is being used to generate mailing lists for these billings in cooperation with City ISD.
6. Consultant has assisted the City in developing potential policies and positions to facilitate implementing the WMP.
7. The City has elected to procure meters and ERTs using a long-term procurement contracting approach. Consultant has prepared justification for sole-source procurement of meters and ERTs and a Request for Quotation/Proposal that will become the basis for a City procurement contract. Consultant will assist the City to develop, negotiate and execute the procurement contract. The intent of the City is to address meter procurement contract administration with the award of construction contracts.
8. City is requiring more accountability for its meter readers to ensure that efforts are made to obtain reads from all active meters. Consultant is assisting ISD in implementing a quality assurance program for meter data so that when released to Finance Department for billing, the data has been screened for anomalous readings. Consultant will assist in implementing this program.
9. Development of Metering Approach for High Density Multi-Family Parcels. The Consultant shall work with the City to develop a metering approach for high density multi-family parcels within the City. This would include apartment buildings, condominium complexes, and mobile home trailer parks. The Consultant shall catalog type and approximate number of units on these parcels through field reconnaissance efforts. Consultant shall develop with City the approach for implementing a metering program for this category of residential land use. The implementation such a program is not included in this subtask and would be subject of a future Task Order.
- Deliverable: Draft and final metering approach TM (five hard copies and one .pdf)
10. Development of Metering Approach for Mixed Use and Commercial Parcels. Consultant shall work with the City to develop a metering approach for mixed use residential/commercial, commercial and industrial parcels within the City. The Consultant shall catalog type and approximate number of these parcels through windshield survey efforts. Consultant shall develop with City the approach for implementing a metering program for this category of land use. The implementation such a program is not included in this subtask and would be subject of a future Task Order.

Deliverable: Draft and final metering approach TM (five hard copies and one .pdf)

Original TO1 Budget: \$502,626

Proposed Amended Budget: \$1,350,000

Task 9 – Lodi Construction Special Provisions Update (New Task)

Purpose: Bring existing City construction specifications (Special Provisions) current with most recent Caltrans Standard Specifications and current City practice for public works construction projects.

Consultant shall perform this task under the following subtasks.

Subtask 9.1 – Update Special Provisions to 2006 Caltrans Standard Specifications [Note that Caltrans intends to publish a 2010 version of the Standard Specifications]

Consultant shall update Lodi's existing Special Provisions document to be consistent with the May 2006 Caltrans Standard Specifications. Work included in this task is:

- Conversion of existing printed document to electronic document. It is assumed that the electronic document appearance will be substantially the same as the existing printed document.
- Review of the Special Provisions to ensure that references to the Standard Specifications and Plans are referencing the appropriate content from the 2006 Caltrans Standard Specifications and Plans. RMC will also identify other City information (e.g. phone numbers and values) that the City may wish to update.

Subtask 9.2 – Develop New Special Provisions

Consultant shall prepare new Special Provisions and update language based on City current practices. Work included is:

- Review Special Provisions and Caltrans standard specifications to identify areas or provisions that may require additional consideration by the City. It is assumed that the current Lodi Special Provisions are suitable for the purposes of the City with the proposed updates described below.
- Should there be new Special Provisions that require modifications (as determined by the City), develop concepts, engineering background, and text for new Special Provisions that have been identified as necessary by the City of Lodi. It is assumed that up to six new Special Provisions will be developed.
- Prepare Draft Special Provisions suitable for review at a workshop with City Public Works staff, including input received from City staff and any new Special Provisions. Incorporate any comments on Draft Special Provisions and produce Final document.
- Participate in a workshop with City staff. During this workshop, RMC will identify those areas in the Draft Special Provisions that have updated references to the Standard Specification and Plans and review proposed Special Provisions that the City should consider adding to the City Special Provisions. It is assumed that the City will provide any additional changes that the City requires to be included in the Special Provisions, including comments on the Preliminary Special Provisions.
- Finalize Special Provisions based on input from workshop.

City of Lodi
Water Meter Program

Deliverable: Draft Special Provisions (1 PDF and 5 printed copies); Final Special Provisions (1 Word File, 1 PDF, and 5 printed copies)

Original TO1 Budget: \$0 (none)

Proposed Amended Budget: \$20,000

RMC WATER AND ENVIRONMENT

CITY OF LODI

Signature

Signature

Printed Name

Konradt Bartlam

Printed Name

President
Title

Interim City Manager
Title

Date

Date

ATTEST:

RANDI JOHL
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney



Exhibit C

Lodi Water Meter Program

Task Order No. 1

Amendment No. 1 Budget Summary

Task	Original Budget	Total Amended Budget
Task 1: Project Management (2015)	\$ 330,960	\$770,000
Task 2: Data Collection	\$ 584,198	\$1,100,000
Task 3: Phasing Technical Memorandum	\$ 20,032	\$60,000
Task 4: Self-Installation Manual	\$ 88,468	\$88,468
Task 5: Preliminary Design Report (30% Design)	\$ 63,753	\$94,000
Task 6: Final Design	\$ 821,463	\$1,200,000
Task 7: Bid Period and Construction Support	\$ 468,551	\$175,000
Task 8: Meter Program Administration	\$ 502,626	\$1,350,000
Task 9: Lodi Construction Special Provisions Update		\$20,000
Additional Work Requests		
TOTAL	\$ 2,880,051	\$4,857,468

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT WITH RMC WATER
AND ENVIRONMENT, OF WALNUT CREEK, FOR WATER
METER PLANNING, DESIGN AND PROGRAM MANAGEMENT
AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, on October 7, 2009, City Council approved a professional services agreement with RMC Water and Environment, of Walnut Creek, California, for water meter planning, design, and program management; however, since that time, the water meter program has undergone a number of changes, requiring an amendment to the professional services agreement; and

WHEREAS, the changed conditions in the water meter program include expanded duration of the water meter program from three years to seven years; the length of pipeline replacement has increased from 22.2 miles to 25.4 miles; the dwelling unit type and occupancy could not be established by the City's databases; it was determined that Proposition 218 provisions stipulate that the meter installation class and associated cost be recorded for every parcel in the water meter program; the phasing assumptions have changed twice, once to five years and again to seven years; the Water Utility Financial Model required the phased construction data to be included in the model; and a much greater effort has been required than assumed in working with the public and staff; and

WHEREAS, staff recommends approval of Amendment No. 1 in the amount of \$1,977,417.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with RMC Water and Environment, of Walnut Creek, California, for water meter planning, design, and program management in the amount of \$1,977,417; and

BE IT FURTHER RESOLVED that funds in the amount of \$2,250,000 be appropriated from the Water Fund for this project.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Amendments to Improvement Agreement for Public Improvements for Reynolds Ranch Phase II, Offsite Improvements

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution approving amendments to the Improvement Agreement for Public Improvements for Reynolds Ranch Phase II, offsite improvements.

BACKGROUND INFORMATION: The project is located on Harney Lane, between Stockton Street and Panzani Way, as shown on Exhibit A, and consists of roadway improvements along Harney Lane and traffic signal improvements at the intersections on Reynolds Ranch Parkway at Le Baron Boulevard, Rocky Lane, and Harney Lane.

City staff secured early Council approval on August 18, 2010 of the Phase II Offsite Improvement Agreement to advance the Costco project. On October 6, 2010, Council approved an amendment to the security requirements in the Phase II Offsite Improvement Agreement. The new amendment to the Phase II Offsite Improvement Agreement will revise the reimbursement process from the City to the developer for City-funded facilities built by the developer. The current agreement states "Reimbursement will be made when the improvements are complete and accepted by the City." The amendment to the agreement changes the timing of the reimbursement to the developer. The City will reimburse the developer in monthly payments that are 100-percent of the contractor's progress billing for City-funded facilities to be built by the developer, less 10-percent for retention. Reimbursement of the 10-percent retention will be made when the improvements are complete and accepted by the City.

All other provisions of the Improvement Agreement remain as approved by the City Council on August 18, 2010 and on October 6, 2010. These amendments do not put the City at risk in the event the contractor does not finish the improvements as there is a faithful performance bond in place guaranteeing completion of the construction work.

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

F. Wally Sandelin
Public Works Director

Prepared by Chris Boyer, Junior Engineer
Attachment

cc: Senior Civil Engineer Fujitani
Reynolds Ranch Partners, Inc.

APPROVED: _____
Konradt Bartlam, Interim City Manager

IMPROVEMENT AGREEMENT
for the
PUBLIC IMPROVEMENTS
for
REYNOLDS RANCH PHASE 2

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City", and REYNOLDS RANCH PARTNERS, INC., hereinafter referred to as "Developer", and RMC CONSTRUCTORS, A CALIFORNIA CORPORATION, hereinafter referred to as "Developer's Contractor".

RECITALS:

Developer has presented to City for approval public improvement plans for the Reynolds Ranch, Phase 2 development, hereinafter called "project", along with the legal descriptions and exhibits for the necessary street and easement dedications which will be provided under separate instruments.

Developer has requested approval of public improvement plans for the construction and completion of public improvements, including all streets, highways or public ways and public utility facilities which are a part of or appurtenant to the project, all in accordance with and as required by the plans and specifications for all or any of said improvements in, appurtenant to, or outside the limits of project, which plans and specifications are now on file in the office of and endorsed with the approval of the Public Works Director or his designee.

Council of the City will accept the dedications offered on condition that Developer first enter into and execute this agreement with City; and

Developer's Contractor is made a party to this agreement solely to secure the Faithful Performance Bonds and Labor and Materials Bonds referred to in Paragraph 13. Developer's Contractor has no other obligations under this agreement.

This agreement is executed pursuant to the provisions of the Subdivision Map Act of the State of California and Title 15 and 16 of the Lodi City Code.

NOW THEREFORE, for and in consideration of the acceptance of the dedications offered, and in order to insure satisfactory performance by Developer of Developer's obligations under State law and City code, the parties agree as follows:

1. Performance of Work by Developer

Developer will do and perform, or cause to be done and performed at Developer's own expense, in a good and workmanlike manner, and furnish all required materials, all under the direction and to the satisfaction of the Public Works Director, all of the work and improvements as shown on the approved improvement plans for the project, Drawing Nos. 008D013-01 through 008D013-32, which are on file in the Public Works Department.

The Developer shall also perform or cause to be performed the following items which are not shown on the improvement plans:

- A. Street light installation and connection to City system
- B. Natural gas line installation
- C. Telephone line installation
- D. Electrical system
- E. Cable television system

2. Development Changes

Developer shall also perform all work and furnish all materials necessary to comply with any changes required by the Public Works Director, which, in his opinion, are necessary or required to complete the work in conformance with City Standards or are the result of changed conditions.

3. Performance of Work by City

Prior to the issuance of the building permit by the City, it is agreed that the Developer shall deposit with the City the amount of money shown as the "Developer Cost" on Billing Schedule attached hereto and by this reference made a part hereof.

From payments made under Billing Schedule, Developer elects to have the City perform or install or cause the installation of the following items:

- A. Street seal coat
- B. Fire hydrant markers
- C. Televideo inspection of the public sewer and storm drain lines. The fee shown on the Billing Schedule is based on the linear footage of sewer and storm drain pipe, including laterals, shown on the improvement plans. The fee will be adjusted, if necessary, when the televideo inspection is complete. Any additional fee must be paid prior to project acceptance.
- D. Storm Water Permit Compliance Inspections. The fee shown on the Billing Schedule is based on one (1) inspection per month for construction activities covering one (1) wet season (October 2010 to April 2011). The fee will be adjusted, if necessary, when the improvements are complete and ready for acceptance by the City. Any additional fee must be paid prior to project acceptance.

Developer shall also pay all additional costs for work performed by City forces deemed by the Public Works Director necessary to complete the work under this agreement in conformance with City Standards.

4. Development Impact Mitigation Fees

Development Impact Mitigation Fees for water, wastewater capacity, street improvements, police, fire and general City facilities are required for this project. The fees shall be paid in conformance with the terms of the Development Agreement by and Between the City of Lodi and San Joaquin Valley Land Company, LLC recorded as Document No. 2006-268372 in the Official Records of San Joaquin County. In conformance with LMC 15.64.050, the fees are automatically adjusted on January 1 of each year.

5. Reimbursement for City-Funded Facilities Built by Developer

In conformance with LMC 16.40 Reimbursements for Construction, City agrees to reimburse Developer for public improvements to be installed with the project as listed below and shown on the attached Cost Estimate for Improvement Security:

- A. Excess width street pavement improvements in Harney Lane (500 feet west of Stockton Street to 500 feet east of Melby Way).
- B. Two-thirds ~~50 percent~~ of the traffic signal at Reynolds Ranch Parkway and Harney Lane intersection, ~~Reynolds Ranch Parkway and Rocky Lane intersection, and Reynolds Ranch Parkway and Le Baron Boulevard.~~

Developer shall provide a request for monthly reimbursement payments that include descriptions of the work items, quantities, and contract unit prices conforming to the Bid Item List guidelines in Appendix A-2 of the City of Lodi Public Improvement Design Standards and supporting invoices, billing schedules or other documentation as required by the Public Works Department. ~~Reimbursement will be made when the improvements are complete and accepted by the City.~~ Monthly reimbursement payments to the Developer shall be 100% of the contractor's progress billing for City funded facilities to be built by Developer, less 10% for retention. Reimbursement of the 10% retention will be made when the improvements are complete and accepted by the City.

6. Street and Public Utility Easement Dedications

Developer shall acquire, without cost to the City of Lodi, street, public utility and temporary construction easements to the approval of the Public Works Director to allow construction of street and public utility improvements shown on the approved plans for the project. The Developer's engineer shall provide the legal descriptions, with exhibits showing the location of each dedication, for review and approval by the City. City staff will prepare the easement deeds. Developer shall have the deeds executed by the property owners, notarized and returned to the City for recordation.

7. Work; Time for Commencement and Performance

Developer shall, within 365 calendar days from the date of this agreement, perform or cause to be performed all work and/or improvements described under this agreement. At least 15 calendar days prior to the commencement of work hereunder, Developer shall notify the Public Works Director of the date fixed by Developer for commencement thereof so that City can provide inspection services.

8. Time Extension

Time is of the essence of this agreement. The City may extend the time for completion of the improvements hereunder under the terms of an addendum to this agreement which shall be approved by the City Manager. Any such extension may be granted without notice to the Developer's surety, and extensions so granted shall not relieve the surety's liability on the bond to secure the faithful performance of this agreement. The City Manager shall be the sole and final judge as to whether or not good cause has been shown to entitle Developer to an extension.

9. Record Drawings and Certifications

Prior to acceptance of the project improvements, the Developer shall have provided record drawings and certifications as described in the City of Lodi Public Improvement Design Standards.

10. Permits; Compliance with Law

Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction of such improvements, give all necessary notices and pay all fees and taxes required by law.

11. Superintendence by Developer

Developer shall give personal superintendence to the work on said improvement, or have a competent agent, foreman or superintendent, satisfactory to the Public Works Director, on the work at all times during progress, with authority to act for Developer.

12. Inspection by City

Developer shall at all times maintain proper facilities and provide safe access for inspection by City to all parts of the work. Inspections will be provided during normal working hours. Developer will be billed for inspections on work performed on weekends, holidays and overtime. Developer shall also pay all additional costs incurred by City for soils and materials testing and/or inspection services required as a part of City inspection activities.

13. Contract Security

Concurrently with the execution hereof, Developer's Contractor shall furnish Improvement Security of at least 100% of the estimated cost of public improvements plus deferred fees and engineering costs of surveying, record drawings and certifications as security for the faithful performance of this agreement and repair or replacement of defective work under Paragraph 19 following; and an amount equal to at least 50% of the above costs as security for the payment of all persons performing labor and furnishing materials in connection with this agreement as more fully described in the State Subdivision Map Act.

The City has determined these security amounts to be as follows:

Faithful Performance	\$1,694,279.40
Labor and Materials	\$847,139.70

14. Warranty Security

~~Prior to acceptance of the project improvements by the City, Developer shall furnish Warranty Security of at least 10% of the total cost of the public improvements as security for repair or replacement of defective work under Paragraph 19 following.~~ The warranty period for repair or replacement of defective work shall be two (2) years following the date of acceptance of the improvements. If any portion of the project receives partial acceptance during the course of construction, the warranty period for all required project improvements shall commence upon the date of final acceptance for the entire project.

15. Hold-Harmless Agreement

Developer hereby agrees to, and shall, hold City, its elective and appointive boards, commissions, officers, agents and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Developer's or Developer's contractors', subcontractors', agents' or employees' operations under this agreement, whether such operations be by Developer or by any of Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for, Developer or any of Developer's contractors or subcontractors. Developer agrees to, and shall, defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations; provided as follows:

- A. That City does not, and shall not, waive any rights against Developer which it may have by reason of the aforesaid hold-harmless agreement, because of the acceptance by City, or the deposit with City by Developer, of any of the insurance policies described in Paragraph 16 hereof.
- B. That the aforesaid hold-harmless agreement by Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this paragraph, regardless of whether or not City has prepared, supplied or approved of, plans and/or specifications for the project, or regardless of whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

16. Developer's Insurance

Developer shall not commence work under this agreement until Developer shall have obtained all insurance required under this paragraph, nor shall Developer allow any contractor or subcontractor to commence work on Developer's contract or subcontract until all similar insurance required of the contractor or subcontractor shall have been so obtained. All requirements herein provided shall appear either in the body of the insurance policies or as endorsements and shall specifically bind the insurance carrier.

A. Compensation Insurance

Developer shall maintain, during the life of this agreement, Worker's Compensation Insurance for all Developer's employees employed at the site of improvement, and in case any work is sublet, Developer shall require any contractor or subcontractor similarly to provide Worker's Compensation Insurance for all contractors' or subcontractors' employees, unless such employees are covered by the protection afforded by Developer. Developer hereby indemnifies City for any damage resulting to it from failure of either Developer or any contractor or subcontractor to take out or maintain such insurance.

B. Comprehensive General and Automobile Insurance

Developer shall take out and maintain during the life of this agreement such insurance as shall insure City, its elective and appointive boards, commissions, officers, agents and employees, Developer and any contractor or subcontractor performing work covered by this agreement from claims for damages for personal injury, including death, as well as from claims for property damage which may arise on the project property, including any public streets or easements, from Developer's or any contractors' or subcontractors' operations hereunder, whether such operations be by Developer or any contractor or subcontractor or by anyone directly or indirectly employed by either Developer or any contractor or subcontractor, and the amount of such insurance shall be as follows:

1. COMPREHENSIVE GENERAL LIABILITY

\$2,000,000 Bodily Injury - Each Occurrence/Aggregate
\$2,000,000 Property Damage - Each Occurrence/Aggregate
or
\$2,000,000 Combined Single Limit

2. COMPREHENSIVE AUTOMOBILE LIABILITY

\$2,000,000 Bodily Injury - Each Person
\$2,000,000 Bodily Injury - Each Occurrence

\$2,000,000 Property Damage - Each Occurrence
or
\$2,000,000 Combined Single Limit

Developer must have comprehensive automobile liability only if Developer's vehicles are used on-site.

NOTE: Developer agrees and stipulates that any insurance coverage provided to the City of Lodi shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810 et seq.).

"Claims made" coverage requiring the insureds to give notice of any potential liability during a time period shorter than that found in the Tort Claims Act shall be unacceptable.

A copy of the certificate of insurance with the following endorsements shall be furnished to the City:

A. Additional Named Insured Endorsement

Such insurance as is afforded by this policy shall also apply to the City of Lodi, its elected and appointed boards, commissions, officers, agents and employees as additional named insured insofar as work performed by the insured under written contract with the City of Lodi. This endorsement shall be on the form furnished by the City and shall be included with Developer's policies.

B. Primary Insurance Endorsement

Such insurance as is afforded by the endorsement for the additional insureds shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the insurance afforded by this endorsement.

C. Severability of Interest Clause

The term "insured" is used severally and not collectively, but the inclusion herein of more than one insured shall not operate to increase the limit of the company's liability.

17. Evidence of Insurance

Developer shall furnish City, concurrently with the execution hereof, with satisfactory evidence of the insurance required and evidence that each carrier is required to give City at least 30 days prior notice of the cancellation or reduction in coverage of any policy during the effective period of this agreement. The address of the City of Lodi must be shown on the certificate of insurance, i.e., City of Lodi, 221 West Pine Street, Lodi, CA 95240.

18. Title to Improvements

Title to, and ownership of, all public improvements constructed hereunder by Developer shall vest absolutely in City upon completion and acceptance of such public improvements by City.

19. Repair or Reconstruction of Defective Work

If, within a period of two (2) years after final acceptance by City of the work performed under this agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Developer, or any of the work done under this agreement, including the mitigation measures for dust and erosion control, fails to fulfill any of the requirements of this agreement plans and specifications referred to herein, Developer and Developer's Contractor surety shall, without delay and without cost to City, repair or replace or reconstruct any defective or otherwise unsatisfactory part or parts of the work or structure. Should Developer or Developer's Contractor surety fail to act promptly or in accordance with this requirement, or should the exigencies of the case require repairs or replacements to be made before Developer can be notified, City may, at its option, make the necessary repairs or replacements or perform the necessary work, and Developer shall pay to City the actual cost of such repairs plus 15% for administration and overhead costs.

20. Repair or Replacement of City-owned Bypass Meter Assemblies

The Developer is required by the City to install bypass meter assemblies in conjunction with the installation of water mains in the City of Lodi. The City will supply these assemblies upon receipt of a deposit in the amount of \$5,000.00 for each assembly required. The purpose of the deposit is to guarantee the return of the assembly in good condition and fulfillment of the other obligations shown in the City's Policies and Procedures entitled "Metering Water Usage of New Water Mains Requiring Temporary Bypasses", a copy of which is attached hereto and made a part hereof.

21. Mud, Debris, Dust and Erosion

Developer agrees and covenants not to permit mud or other debris to be tracked from the construction site or elsewhere onto City or County streets or onto private property without express permission. Developer further agrees not to cause damage to City or County streets.

Should any mud or debris be deposited in City or County streets or any damage caused to City or County streets, the Developer shall have the same removed or repaired forthwith, and if not removed or repaired upon notice within a specified time, the City shall cause the same to be removed or repaired and the Developer shall be charged for the cost of said removal or repairs.

The Developer, Developer's contractor and/or agents shall be responsible so no dust or erosion problems are created during construction, including installation of telephone, electrical, cable television and gas facilities. Developer's responsibility for dust and erosion control shall extend to include a period of one year from the date of final acceptance by the City of the work performed under this agreement.

If a dust or erosion problem arises during development or within a period of one year from the date of final acceptance by the City of the work performed under this agreement, including but not limited to installation of telephone, electrical, cable television, and/or gas facilities, and has not, after notice, been abated by Developer within a specified period of time, the City shall cause the same to be controlled, and the Developer shall be charged with the cost of said control.

22. Fire Protection During Construction

Fire protection facilities approved by the Fire Chief, including all-weather access road and an approved water supply capable of supplying the required fire flow, shall be installed and made serviceable in accordance with the City fire code prior to and during the time of

building construction. The above may be modified when alternate methods of protection approved by the Fire Chief are provided.

23. Protection of Existing Improvements

Damage to any existing improvements or private or public utility lines installed or being installed which damage occurs during the onsite and offsite construction required of Developer shall be the absolute responsibility and liability of Developer. In other words, it shall be the Developer's responsibility to pay for damage to existing improvements and public or private utilities within the development. Damage to any existing facilities outside the limits of the project area damaged as part of the construction of the required project improvements is also the Developer's responsibility.

24. Dwelling Occupancy

The City will not allow occupancy of any building or structure within the project until all public improvements have been approved and accepted by the Public Works Department per established City policy and other requirements of the City codes have been met. If building is started prior to acceptance of the improvements, it is the Developer's responsibility to inform all prospective purchasers that occupancy will not be permitted until said fees are paid and public improvements are so accepted.

25. Developer Not Agent of City

Neither Developer nor any of Developer's agents or contractors are or shall be considered to be agents of City in connection with the performance of Developer's obligations under this agreement.

26. Notice of Breach and Default

If Developer refuses or fails to obtain prosecution of the work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extensions thereof, or fails to obtain completion of said work within such time, or if the Developer should be adjudged bankrupt, or Developer should make a general assignment for the benefit of Developer's creditors, or if a receiver should be appointed in the event of Developer's insolvency, or if Developer or any of Developer's contractors, subcontractors, agents or employees, should violate any of the provisions of this agreement, the Public Works Director or City Council may serve written notice upon Developer and Developer's Contractor's surety of breach of this agreement, or any portion thereof, and the default of Developer.

27. Breach of Agreement; Performance by Surety or City

In the event of any such notice, Developer's Contractor's surety shall have the duty to take over and complete the work and the improvements herein specified; provided however, that if the surety, within five days after the serving upon it of such notice of breach, does not give City written notice of its intention to take over the performance of the contract, and does not commence performance thereof within 5 days after notice to City of such election, City may take over the work and prosecute the same to completion, by contract or by any other method City may deem advisable, for the account and at the expense of Developer, and Developer's Contractor's surety shall be liable to City for any excess cost or damage occasioned City thereby; and, in such event, City, without liability for so doing, may take possession of, and utilize in completing the work, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary therefor.

28. Notices

All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

F. Wally Sandelin,
Public Works Director
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Notices required to be given to Developer shall be addressed as follows:

Notices required to be given to Developer's agent shall be addressed as follows:

Notices required to be given to Developer's Contractor shall be addressed as follows:

Notices required to be given to Developer's Contractor surety shall be addressed as follows:

Provided that either party or the surety may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.

29. Execution

In Witness Whereof, Developer, Developer's Contractor and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

REYNOLDS RANCH PARTNERS, INC.

Date

RMC CONSTRUCTORS,
A CALIFORNIA CORPORATION

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Konradt Bartlam, Interim City Manager

Date

ATTEST:

Randi Johl, City Clerk

Date

APPROVED AS TO FORM:

D. Stephen Schwabauer, City Attorney



Development: Reynolds Ranch, Phase II
Developer: Reynolds Ranch Partners
Engineer: Phillippi Engineering

Acres:
Date: 10/14/10

TOTAL COST OF PROJECT IMPROVEMENTS					A. DEVELOPER COST		B. COST OF CITY-FUNDED FACILITIES TO BE BUILT BY DEVELOPER		
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total
Street System									
1	Clearing & Grubbing	2.00	Acre	\$1,097.00	\$2,194.00	2.00	\$2,194.00	0	\$0.00
2	Compact Original Ground (0.50')	81,518	SF	0.66	53,801.88	42,677	28,166.82	38,841	25,635.06
3	Aggregate Base, Class II (0.70')	74,468	SF	1.32	98,297.76	42,677	56,333.64	31,791	41,964.12
4	Asphalt Concrete, Type B (0.60')	74,468	SF	3.41	253,935.88	42,677	145,528.57	31,791	108,407.31
5	Sawcut	1,355	LF	0.00	0.00	0	0.00	1,355	0.00
6	Vertical Curb and Gutter	1,250	LF	24.00	30,000.00	1,250	30,000.00	0	0.00
7	Sidewalk	3,190	SF	6.00	19,140.00	3,190	19,140.00	0	0.00
8	Curb Return, including Handicap Ramp	4	EA	2,742.00	10,968.00	4	10,968.00	0	0.00
9	Mid Block Ramp	2	EA	2,743.00	5,486.00	2	5,486.00	0	0.00
10	Median Curb	1,462	LF	19.86	29,035.32	0	0.00	1,462	29,035.32
11	Sidewalk Barricade	2	EA	548.00	1,096.00	2	1,096.00	0	0.00
12	Remove Existing Pavement	26,523	SF	1.54	40,845.42	11,170	17,201.80	15,353	23,643.62
13	Street Lights (Mast Type 250 Watt)	8	EA	2,742.00	21,936.00	8	21,936.00	0	0.00
14	Street Signs	22	EA	494.00	10,868.00	22	10,868.00	0	0.00
15	Traffic Striping	7,628	LF	1.60	12,204.80	4,372 ⁽¹⁾	6,994.47	3,256	5,210.33
16	Signalized Intersection - Reynolds Ranch/Harney	1	EA	232,889.14	232,889.14	0.33	76,853.42	0.67	156,035.72
17	Signalized Intersection - Reynolds Ranch/Rocky	1	EA	217,787.55	217,787.55	1.0	217,787.55	0.0	0.00
18	Signalized Intersection - Reynolds Ranch/LeBaron	1	EA	199,518.01	199,518.01	1.0	199,518.01	0.0	0.00
19	Landscape & Irrigation	5,646	SF	4.68	26,423.28	5,646	26,423.28	0	0.00
20	Median Landscape & Irrigation	10,107	SF	4.68	47,300.76	0	0.00	10,107	47,300.76
21	Temporary Swale	660	LF	5.00	3,300.00	660	3,300.00	0	0.00
22	Erosion Control	2.00	Acre	2,374.35	4,748.70	1.15 ⁽¹⁾	2,721.44	0.85	2,027.26
Subtotal					\$1,321,776.50	Subtotal	\$882,517.00	Subtotal Street System	\$439,259.50
Storm Drain System									
1	12" Storm Drain Pipe (PVC)	739	LF	\$38.00	\$28,082.00	739	\$28,082.00	0	\$0.00
2	15" Storm Drain Pipe (PVC)	509	LF	49.00	24,941.00	509	24,941.00	0	0.00
3	18" Storm Drain Pipe (PVC)	55	LF	60.00	3,300.00	55	3,300.00	0	0.00
4	48" Storm Drain Manhole	4	EA	3,290.00	13,160.00	4	13,160.00	0	0.00
5	Side Inlet Catch Basin	6	EA	2,193.00	13,158.00	6	13,158.00	0	0.00
6	Connect to Existing Storm Drain	2	EA	5,483.00	10,966.00	2	10,966.00	0	0.00
Subtotal					\$93,607.00	Subtotal	\$93,607.00	Subtotal Storm Drain System	\$0.00

TOTAL COST OF PROJECT IMPROVEMENTS						A. DEVELOPER COST		B. COST OF CITY-FUNDED FACILITIES TO BE BUILT BY DEVELOPER	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	Total
Water System									
1	10" Recycled Water Pipe (PVC)	1,321	LF	\$49.00	\$64,729.00	1,321	\$64,729.00	0	\$0.00
2	8" Water Valve	1	EA	\$1,316.00	\$1,316.00	1	\$1,316.00	0	\$0.00
3	10" Water Valve	3	EA	\$1,645.00	\$4,935.00	3	\$4,935.00	0	\$0.00
4	Temporary Blow Off Valve	1	EA	\$439.00	\$439.00	1	\$439.00	0	\$0.00
5	Fire Hydrant Assembly	5	EA	3,290.00	16,450.00	5	16,450.00	0	0.00
6	Hot Tap and Valve	5	EA	5,483.00	27,415.00	5	27,415.00	0	0.00
7	Landscape Service	3	EA	3,327.50	9,982.50	2	6,655.00	1	3,327.50
					Subtotal		\$125,266.50	Subtotal Water System	\$3,327.50
						Subtotal	\$121,939.00	Subtotal	\$442,587.00
								10% Engineering & Administration	\$44,258.70
TOTAL COST FOR ENGINEERING FEE CALCULATION					Total	Total	\$1,540,650.00	Total	\$486,845.70
(1) Prorated based on proportionate share of AC costs									



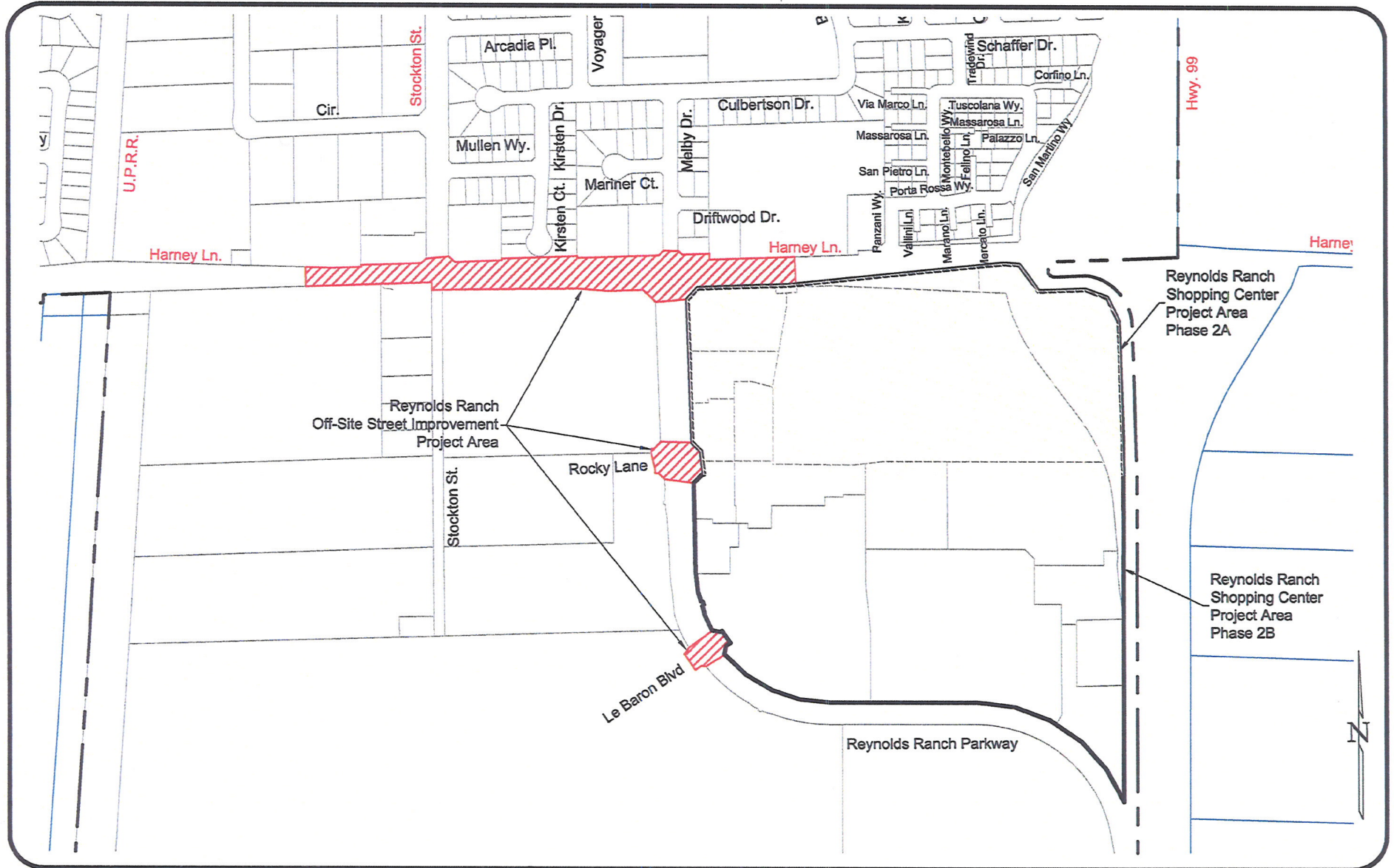
CITY OF LODI

PUBLIC WORKS DEPARTMENT

Exhibit A

Harney Lane Improvements

500' West of Stockton St to Reynolds Ranch Pkwy



RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING AMENDMENTS TO IMPROVEMENT
AGREEMENT FOR PUBLIC IMPROVEMENTS FOR
REYNOLDS RANCH PHASE II, OFFSITE
IMPROVEMENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the amendments to the Improvement Agreement with Reynolds Ranch Partners, LLC, for Offsite Public Improvements for Reynolds Ranch, Phase II.

BE IT FURTHER RESOLVED that all other provisions of the Improvement Agreement remain as approved by the City Council on August 18, 2010 and October 6, 2010.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Re-Appropriating Funds for the Energy Efficiency & Conservation Block Grant

MEETING DATE: November 17, 2010

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution re-appropriating funds for the Energy Efficiency & Conservation Block Grant.

BACKGROUND INFORMATION: Under the American Recovery and Reinvestment Act of 2009 (ARRA), the State of California (specifically the California Energy Commission) received \$351 million as part of the Energy Efficiency & Conservation Block Grant program. Of this amount, \$302 million is earmarked for "large cities" (populations in excess of 35,000 citizens). Within the State's allocation, Lodi received \$586,200 to expend in the area of energy efficiency and conservation. Several projects were not completed in fiscal year 2009/10 and funds must be re-appropriated so projects can be finalized (see project list for individual amounts).

Project Title	Account Number	Original Project Amt	Amount to Re-Appropriate
Community Center - Energy Management	1211032	18,000.00	18,000.00
Keep Your Cool Program	167100	25,000.00	327.11
Lodging Energy Efficiency Program	167101	48,000.00	34,573.06
Low-Income Refrigeration Program	167102	50,000.00	50,000.00
Cool the Earth Education Project	167103	25,000.00	25,000.00
Energy Efficiency Home Improvements	167104	50,000.00	6,592.18
Totals		\$216,000.00	\$134,492.35

FISCAL IMPACT: The City of Lodi received \$586,200 to implement and complete various energy efficiency and conservation projects.

FUNDING: The various projects outlined in this staff report will be funded via the American Recovery and Reinvestment Act of 2009.

Jordan Ayers
Deputy City Manager/Internal Services Director

APPROVED: _____
Konradt Bartlam, Interim City Manager

Elizabeth A. Kirkley
Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service & Programs

EAK/RL/KPB/lst

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO RE-ALLOCATE
LODI ENERGY EFFICIENCY & CONSERVATION BLOCK
GRANT FUNDS

=====

WHEREAS, The City of Lodi received \$586,200 in Energy Efficiency & Conservation Block Grant funds to implement and complete various energy efficiency and conservation projects; and

WHEREAS, several projects were not completed in fiscal year 2009-10 and funds must be re-appropriated so projects can be finalized

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to re-allocate \$134,492.35 in Lodi Energy Efficiency & Conservation Block Grant Fund Projects as follows:

Community Center – Energy Management	\$ 18,000.00
Keep Your Cool Program	327.11
Lodging Energy Efficiency Program	34,573.06
Low-Income Refrigeration Program	50,000.00
Cool the Earth Education Project	25,000.00
Energy Efficiency Home Improvements	<u>6,592.18</u>
Total	<u>\$134,492.35</u>

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Amending the Electric Utility Department (EUD) Rules and Regulations Nos. 1, 13, 15 and 16 to Reconcile Estimated EUD Costs with Actual Costs Upon the Completion of the Project

MEETING DATE: November 17, 2010

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution amending the Electric Utility Department (EUD) Rules and Regulations Nos. 1, 13, 15 and 16 to reconcile estimated EUD costs with actual costs upon the completion of the project.

BACKGROUND INFORMATION: The current Electric Utility Department (EUD) policy is to require a nonrefundable payment from Developers/Applicants for construction costs based on an estimate prepared before work begins. The proposed changes to Rules 1, 13, 15 and 16 will cause the EUD to reconcile billing of these estimates at the completion of the project and will be effective with projects submitted January 1, 2011.

The attached changes to the Rules & Regulations provide definitions in Rule 1. Revised language in Rules 13, 15 and 16 provides for a rebate to the Developer/Applicant whenever the project estimate exceeds actual cost and that an invoice be issued should reasonable costs exceed the original estimate.

Staff recommends modification of the existing EUD Rules and Regulations in order to provide actual cost reconciliation for EUD work. These costs include temporary service, extension of facilities, service connections and facilities on customer's premises. The proposed amendments to EUD's Rules and Regulations No. 1 (General Statement and Definitions), No. 13 (Temporary Service), No. 15 (Extension of Facilities) and No. 16 (Service Connections and Facilities on Customer's Premises) are shown in Attachments A, B, C and D respectively.

FISCAL IMPACT: This action will ensure actual costs for EUD work are recovered by the City.

FUNDING AVAILABLE: Not applicable.

Elizabeth A. Kirkley
Electric Utility Director

PREPARED BY: Ed Fitzpatrick, Distribution Planning Supervisor

EAK/EF/lst

APPROVED: _____
Konradt Bartlam, Interim City Manager

RESOLUTION NO 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
AMENDMENTS TO ELECTRIC UTILITY DEPARTMENT RULES
AND REGULATIONS NOS. 1, 13, 15 AND 16

=====

WHEREAS, on March 1, 1989, the City Council adopted Ordinance No. 1447, Section 13.20.010 of the Lodi Municipal Code, authorizing and allowing adoption by resolution Rules and Regulations for the Electric Utility Department (EUD); and

WHEREAS, on May 18, 1994, the City Council adopted Resolution No. 94-58 adopting by reference, certain Rules and Regulations; and

WHEREAS, amendments to the EUD Rules and Regulations are necessary from time to time; and

WHEREAS, the current EUD policy is to require a nonrefundable payment from Developers/Applicants for construction costs based on an estimate prepared before work begins; and

WHEREAS, the proposed changes to Rules 1, 13, 15 & 16 will cause the EUD to reconcile billing of these estimates at the completion of the project; and

WHEREAS, the proposed changes to Rules 1, 13, 15 and 16 provide for a rebate to the Developer/Applicant whenever the project estimate exceeds actual cost and that an invoice be issued should reasonable costs exceed the original estimate; and

WHEREAS, staff recommends modification of the existing EUD Rules and Regulations in order to provide actual cost reconciliation for EUD work. These costs include temporary service, extension of facilities, service connections and facilities on customer's premises. The proposed amendments to EUD's Rules and Regulations No. 1 (General Statement and Definitions), No. 13 (Temporary Service), No. 15 (Extension of Facilities) and No. 16 (Service Connections and Facilities on Customer's Premises) are shown in Attachments A, B, C and D respectively.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby amends Electric Utility Department Rules and Regulations No. 1, (General Statement and Definitions), No. 13 (Temporary Service), No. 15 (Extension of Facilities) and No. 16 (Service Connections and Facilities on Customer's Premises) as shown in Attachments A, B, C and D respectively attached hereto; and

BE IT FURTHER RESOLVED that the amended regulations will be effective for new electric service projects submitted on or after January 1, 2011.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO.1

GENERAL STATEMENT AND DEFINITIONS

A. General Statement

The City of Lodi Municipal Electric Department will furnish electric service in accordance with the adopted Rules and Regulations and all other applicable resolutions and ordinances to any premises completely within the corporate limits of the City.

B. Definitions

Actual Cost: Total of all expenses charged to a project to include labor, materials, supplies, overhead costs, contracted costs and consultant costs.

Applicant: A person, agency or corporation requesting the City to supply electric service.

City: The City of Lodi, or the City Council, City Manager, Electric Utility Department, Building Inspection Division, Finance Department or any authorized City employee.

Commercial/Industrial Development: Shall mean the development of enterprises engaged in trade or furnishing of services or a process which creates a product or changes material into another form or product and bona fide electric load will exist as a direct result of the development

Construction Service: Single-phase service of 100 amperes or less supplied to contractors for construction purposes.

Customer: A person, agency or corporation in whose name electrical service from the City is rendered as well as all persons, agencies and corporations who are the actual users of the electric service.

Developer: A person, agency or corporation seeking electric service for a particular development and responsible for all" costs associated therewith.

Distribution Facilities: Overhead and/or underground lines and associated equipment, operated at the primary and/or secondary voltage level, installed, operated and maintained by the City to supply electric service.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

Estimated Cost: Projected expenses for a project to include labor, materials, supplies, overhead costs, contracted costs and consultant costs.

Permanent Service: Service which, in the opinion of the City, is of a permanent and established character.

Point of Interconnection: Where the City's electric system is connected to the customer's service entrance facilities, usually:

- a. overhead, the weatherhead on the service riser.
- b. underground, the customer's service entrance panel.

Premises: All structures, apparatus or portions thereof occupied or operated by an individual, a family or a business enterprise, and situated on an integral parcel of land undivided by a public highway, street, other public thoroughfare or a railway.

Primary or Primary System: The voltage level or the portion of the system above 600 volts.

Reconciled: The procedure by which the difference between the Estimated Cost and the Actual Cost of a project is calculated, resulting in the issuance of an invoice or a refund, as appropriate.

Residential Development: Shall mean the construction of a single family residence, townhouses, apartment complexes, mobile home parks, etc.

Secondary or Secondary System: The portion of the system between distribution transformers and the last pole or service box when moving toward the load and operated below 600 volts.

Service: The electric system, conductor, conduits, etc., that connect the customer's point of interconnection with the City's distribution facilities, i.e. the first pole, secondary box or transformer when moving toward the source and the commodity (electric energy) being supplied to the customer.

Service Drop: An overhead service.

Service Entrance Panel and/or Service Equipment: Customer-owned facilities designed to receive electric service and including, but not limited to service termination facilities, main disconnect and provisions for metering.

Service Voltage: The voltage at the point of interconnection.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

Subdivision (Residential or Commercial Industrial): As used herein shall mean the division of a parcel of land into two or more parcels for the purpose of sale or lease for subsequent development.

Temporary Service: Service for an enterprise or activity which is temporary in character, where it is known in advance that service will be of limited duration, or the permanency of which has not been established

Utilization Equipment: Customer-owned equipment, within the premise served, utilizing the electric energy supplied by the City.

Utilization Voltage: The voltage at the point, within the customer's premise, where the electrical energy is being utilized.

END



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 13

TEMPORARY SERVICE

A. Establishment of Temporary Service

The City will furnish temporary service, including service to operations of a speculative nature or of questionable permanency, under the following conditions:

1. If undue hardship to the City or to its customers does not result therefrom.
2. The applicant shall pay to the City, in advance, the Estimated Cost of installing and removing all facilities required for temporary service. In each case that a Developer/Applicant is required to pay for services based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project. This cost to include, but not limited to, non-salvageable material, prorated cost (3 yrs/life) of salvageable material (excluding transformer(s)) and labor for the installation and removal.
3. The applicant shall establish credit pursuant to Rule and Regulation No. 6.
4. Construction Service will be installed by the City for a fixed non-refundable "Temporary Service Hook-up Charge" provided such hook-up is for connection of customer-owned service pole per City standards, to existing City facilities, only. Facilities may be installed under Section 2 above. Construction Service whereby the contractor installs the service entrance in a permanent location may be assessed for the line extension and/or service connection as per Rule No. 15 and/or 16.
5. Nothing in this Rule and Regulation shall limit or affect the right of the City to collect from the customer any other or additional sums of money, which may become due and payable to the City from the customer by reason of the temporary service furnished or to be furnished. The City may refuse electric service if, in the judgment of the City, unsafe or hazardous conditions exist.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

B. Change to Permanent Status

1. If at any time the character of a temporary customer's operations change such that, in the opinion of the City, the customer should be classified as permanent, or when a customer served under this Rule has operated the electrical equipment originally installed or electrical equipment of the same power requirements for a period of 36 consecutive months from the date service is first delivered under this Rule and has proved the permanency of the business to the City's satisfaction, the customer will be classified as permanent.
2. Upon reclassification from Temporary to Permanent Service, the customer will be billed for the original transformer(s) cost.

C. Customer-Owned Generation Facilities

There shall be no connection of customer-owned generation facilities to the City's electric system under this Rule. A special agreement is required for connection of any customer-owned generation facilities to the City's electric system. (See Rule and Regulation No. 21).

END



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 15

EXTENSION OF FACILITIES

A. Individual Applications and Advance Notice:

1. Electric line extensions will be constructed, owned, operated and maintained by the City to supply individual applicants with electric service at their request in accordance with this and other applicable City Rules and Regulations.
2. Applicants shall provide sufficient advance notice in order that service can be rendered by the time such service is required. The required advance notice will vary in consideration of the scope of the project, availability of equipment and material, and the City's workload at the time of application.
3. In each case that a Developer/Applicant is required to pay for services based on an Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

B. Extensions of Questionable Permanency:

Line extensions to provide temporary service or to serve installations which in the opinion of the City are of a speculative nature or of questionable permanency shall be served under Rule No. 13.

C. Extensions Subject to Rights-of-Way or Easements:

City line extensions will be constructed only along public roads and highways and upon private property across which satisfactory easements and/or rights-of-way can be obtained without cost to or condemnation by the City.

D. Line Extensions:

1. General:

The City will extend all permanent distribution lines underground and connect to underground services in accordance with this rule and Rule No.16. However, the following exceptions allow for continued construction and use of overhead distribution facilities:

- a. Where overhead distribution facilities exist and are expected to remain indefinitely.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

- b. In areas where growth and development indicate the area will remain unchanged for many years.
 - c. In light and heavy industrial areas for the operating convenience of the City.
 - d. in certain areas where lines may be constructed along major rights-of-way to supply bulk power to other areas beyond the area they traverse.
2. Developer's/Applicant's Construction Responsibilities:
- a. Provide all trenching, excavation, backfill (including imported backfill) and compaction per specifications and requirements of the City. At the City's option, the City may actually perform all or a part of this work in which case the Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
 - b. Furnish and install all substructures per City design and specifications. Substructures shall include all conduits, primary and secondary vaults, service boxes, transformer pads and ground rods and conductors. At the City's option, the City may actually perform all or a part of this work, in which case the Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project. If the Developer/Applicant installs the substructure, the City will periodically inspect for quality of work and a fee will be assessed.
 - c. Upon installation of electrical components by the City, the substructure system installed under 2b shall be owned and operated by the City. However, the Developer/Applicant at his/her expense shall repair all damages to the substructure system for a period of one year following the date of acceptance of the development by the City Council or date of energization in developments not subject to acceptance by the City Council, whichever is later. Such repair shall include trench, transformer pad or service box settlement, damage to vaults, boxes or conduits, etc.



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- d. All conduits shall be mandrel proved by the Developer/Applicant in the presence of an Electric Utility Department inspector prior to installation of any electrical components. A pull string shall be installed in all conduits. Pull string and mandrel shall be to the specifications of the City.
 - e. The Developer/Applicant shall notify the Electric Utility Department 48 hours in advance of any substructure installation scheduled outside of the normal workday (Monday through Friday). Developer/Applicant shall pay all overtime premiums associated with inspections outside of the normal workday.
 - f. For any line extension outside the boundary of the development for relocation or modification of any existing facilities the Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
 - g. For on-site line extensions the Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
 - h. Provide all surveying and staking of grades, property lines, right-of-way, and sidewalks for the proposed sites of electrical equipment.
 - i. Provide, install and dedicate all street lighting materials, per City design and specifications, on all public roadways. Developer/Applicant is responsible for the design, installation and maintenance of streetlights on private roadways or traffic areas.
 - k. All work that will be performed by the Developer/Applicant shall be subject to the approval by the City.
3. City's Responsibility:
- a. Provide final project design of improvement plans submitted for review and approval by the City.
 - b. The City reserves the right to furnish substructures and/or conduits to be installed by developer/applicant. The City will require payment for these materials and equipment prior to delivery and construction. If such is desired by the City, the City will issue a written notice to Developer/Applicant.



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- c. Furnish and construct transmission line (60kV) and distribution substation facilities to accommodate new development within the service area.

E. Special Service Request:

An applicant requesting service at a different voltage than that presently available in an area or requesting capacity for intermittent use (X-ray equipment, motor testing power, etc.) may obtain such service if in the sole judgment of the City it is practical to supply such service without adverse effect on the existing system. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

F. Exceptional Case:

In unusual circumstances, when the application of this rule appears impractical or unjust to either party, the City or the Developer/Applicant may refer the matter to the City Council for special ruling or for the approval of special conditions which shall be mutually agreed upon prior to commencing construction.

G. Modification of Existing System:

A customer wanting to modify the City's existing system solely for the customer's benefit may have the City do so provided:

- a. Such modification has no adverse effect on the City's system or existing customers.
- b. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

H. Noncontiguous Developments:

The City will extend its facilities to serve noncontiguous developments within city limits provided:

- a. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
- b. The Developer/Applicant obtains at no cost to the City the necessary and satisfactory easements and/or rights-of-way for the extension(s).



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I. City-Furnished Facilities:

The City may furnish and install, at its expense:

- a. Distribution system components solely for the operating convenience of the City.
- b. Bulk transmission and substation facilities to serve the combined load growth of the City, i.e., the combined load of existing customers.

J. Conflict with Equipment and Facilities:

Equipment and facilities, including metering equipment, installed by the City within easements and rights-of-way that subsequently become obstructed, covered, inaccessible, exposed to traffic, incorrectly applied, etc., as a result of actions such as landscaping, screening, fencing, driveway widening, etc., solely caused by and to the benefit of the property owner and/or occupant of the property where such equipment and facilities were originally installed, shall have corrective measures implemented, per City's approval, at the property owner's and/or occupant's expense.

K. Tree Trimming (Line Clearing):

The Electric Utility Department will from time to time trim, clear away and, if necessary, cut down trees and brush in the vicinity of its overhead lines. "Vicinity" as used herein shall mean from six to ten feet clearance around the primary and secondary conductors, if possible, but in no event shall less than four feet be obtained. These clearances around services (service drops), although desirable, may require extreme impact on landscaping.

Tree trimming (line clearing) is done to improve the overall system reliability, to eliminate hazards from trees and branches falling on the lines and per General Order No. 95 of the State of California, Rule 35 which states, "Where overhead wires pass through trees, safety and reliability of service demand that a reasonable amount of tree trimming be done in order that the wires may clear branches and foliage."

The City will perform the necessary trimming to clear the lines, will remove all brush and trimmings from the premises and, if requested by the property owner, will leave any and all valuable timber and wood at the site.

The City will not perform any shaping or overall trimming of trees.

The property owner agrees as a condition of service to line clearing



CITY OF LODI

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consistent with this rule.

END



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 16

SERVICE CONNECTIONS AND FACILITIES ON CUSTOMER'S PREMISES

A. Service in Areas Supplied by Overhead Facilities

1. Below 600 Volts

The City will install, own, operate and maintain an overhead service along the shortest practical route from the City's distribution system to the Point of Interconnection. The customer shall furnish, install, own and maintain all conduits, conductors and other equipment, except metering equipment, beyond the Point of Interconnection.

2. Primary Overhead Service (12,000 Volt)

a. The City will install, own, operate and maintain a primary overhead service along the shortest practical route from the City's distribution system to the Point of Interconnection. Such overhead primary service will include a pole with associated hardware and cabinets for metering equipment, if necessary. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

b. The customer/applicant shall install, own and maintain the Point of Interconnection consisting of facilities for termination of primary overhead service conductors, protection devices and a three-phase gang-operated disconnect switch all to be approved by the City. The customer's Point of Interconnection may include facilities for metering equipment. Such metering facilities shall be approved by the City and conform to the requirements of Electric Utility Service Equipment Requirements Committee (EUSERC).

3. Overhead Service at Transmission Voltage (60,000 Volt)

Service at this voltage level is available only at select locations throughout the City. Specific requirements for this type of service will be determined at time of application.



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4. Underground Service from Overhead Facilities (Transformation on Overhead System)

The City will install a service along the shortest practical route from the City's distribution system to the customer's service equipment under the following conditions:

- a. The customer shall provide all trenching, backfill and compaction and shall furnish and install all conduits, including riser, all per City's specifications.
- b. The City will furnish and install all conductors from the distribution system to the customer's termination facilities, including completion of the riser. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
- c. Underground services installed under this section of the rule, upon energization, shall be owned, operated and maintained by the City with the exception of any conduit or duct on or within the outside perimeter of the building.

B. Service in Areas Supplied by Underground Facilities

1. Below 600 Volts

The City will install a service along the shortest practical route from the City's distribution system to the customer's service equipment under the following conditions:

- a. The customer shall provide all trenching, backfill and compaction and shall furnish and install all conduits per City's specifications.
- b. The City will furnish and install all conductor(s) from the distribution system to the customer's termination facilities. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.
- c. Underground services installed under this section of the rule, upon energization, shall be owned, operated and maintained by the City with the exception of any conduit or duct on or within the outside perimeter of the building



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2. Primary Underground Service (12,000 Volt)

The City will install, own, operate and maintain conduit and conductor along the shortest practical route from the City's distribution system to the customer's termination facilities. The Developer/Applicant is required to pay for the work based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project. All trenching, excavation, backfill and compaction, to City specifications, shall be furnished by the customer.

Customer termination facilities (service equipment) shall be approved by the City and shall include a three-phase gang-operated switch, protection devices, cable termination devices per City requirements and provisions for metering equipment per EUSERC.

3. Underground Service (60,000 Volt)

Underground service at this voltage level (60,000 volt) is not available.

C. Temporary Services

Temporary services, including services to installations of a speculative nature or of questionable permanency, shall be provided under Rule No. 13.

D. Electrical Service Inspections

1. No new or newly rewired electrical installation will be energized by the City without a signed electrical Service Order from the Building Inspection Division of the City of Lodi.
2. In cases where the Building Inspection Division of the City of Lodi does not have direct jurisdiction and inspections are performed by another agency, a service order generated from a 'courtesy inspection' by the City's Building Inspection Division will be required prior to energization.



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E. Service Connections

1. The City will not connect to any single building more than one service for each voltage classification, either overhead or underground, except:
 - a. For the City's operating convenience;
 - b. Where such additional service may be warranted because of load requirements; and/or
 - c. Where the customer is required by law to have certain emergency services.
2. Connection of service to or disconnection from the City's lines shall be made only by authorized employees of the City.

F. Ownership of Facilities

1. All facilities installed on a customer's premises, including, but not limited to poles, conductors, transformers, meters etc., which are furnished by the City in order to render service, shall remain the sole property of the City.
2. The customer shall not charge the City rent or any other charge for the facilities placed on the customer's premises.

G. Right of Access

1. The City shall have the right of access to the customer's premises, without payment of any charge therefore, at all reasonable hours for any purpose related to the furnishing of electric service, including, but not limited to meter reading, testing, inspection, construction, maintenance, tree trimming and repair of facilities.
2. Service may be refused or disconnected pursuant to Rule No. 11, if permanent accessibility is not provided by the customer.
3. Upon termination of service, the City shall have right of access to the customer's premises to remove its facilities installed thereon.
4. The customer shall obtain and provide the City with all necessary easements as required by the City.



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H. Metering Installations

1. Location

- a. All meters and metering equipment except cabinets will be supplied and installed by the City upon the customer's premises at a location approved by the City's Electric Utility Department.
- b. All meters shall be accessible to authorized employees of the City at all times for inspection, testing and reading.
- c. The City may require a customer to relocate a metering installation, at his expense, if an existing meter location becomes inaccessible or an infraction has been created.

2. Sealing

- a. The customer shall furnish a suitable means for the City to place its seal on the main switch and on the meter and any other enclosure which contains unmetered service conductors.
- b. All metering installation shall be sealed by the City and no such seal shall be broken or tampered with except by a representative of the City authorized to do so.

3. General Metering Requirements

The City's metering requirements are, in general, those of the Electric Utility Service Equipment Requirements Committee (EUSERC). Contact the City for specific details. Metering installations shall conform to Lodi Municipal Code Chapter 13.20, Article II.

I. Customer Responsibility for Facilities

1. The customer shall exercise reasonable care to prevent facilities of the City installed on his/her premises from being damaged or destroyed and shall refrain from tampering or interfering with such facilities, and if any defect therein is discovered by the customer, he/she shall promptly notify the City thereof.
2. The customer shall, at his/her sole risk and expense, furnish, install, inspect, and keep in good and safe condition all electrical facilities required for receiving electric energy from the lines of the City, regardless



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of the location of the transformers, meters, or other equipment of the City, and for utilizing such energy, including all necessary protective devices and suitable housing therefore, and the customer shall be solely responsible for the transmission and delivery of all electric energy over or through the customer's wires and equipment, and the City shall not be responsible for any loss or damage occasioned thereby.

3. The City shall not be responsible for any failure of a customer-owned main disconnect and/or circuit breaker, at the Point of Interconnection, or any other customer-owned equipment as a result of being operated by City personnel for the purpose of establishing safety isolation between the customer's and the City's electrical system or as a result of the City's normal operating practice.
4. All service switches, cutouts and similar devices required in connection with a service and meter installation on customer's premises shall be furnished and installed by the customer in accordance with City specifications. Such equipment shall be maintained in good working order by the customer.
5. All electrical equipment by the customer shall conform to the standards of governing agencies.

J Reconciliation of Billing

1. In each case that a Developer/Applicant is required to pay for services based on the Estimated Cost prior to construction, the billing will be Reconciled with the Actual Cost upon the completion of the project.

END



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize City Clerk to Deny Request for Leave to Present Late Claim, Filed on Behalf of Sandra Kay Oberg, Pursuant to Government Code Section 911.6(a).

MEETING DATE: November 17, 2010

PREPARED BY: Deputy City Attorney

RECOMMENDED ACTION: Authorize City Clerk to deny request for Leave to Present Late Claim, filed on behalf of Sandra Kay Oberg pursuant to Government Code Section 911.6(a).

BACKGROUND INFORMATION: Request for Leave to Present Late Claim was filed with the City Clerk by Sandra Kay Oberg, pursuant to Government Code Section 911.4 on October 19, 2010, a copy of the request and initial submittal are attached. The request was filed over three months after the expiration of the statutory period in which the claims were to have been filed, based on the January 15, 2010 date of loss. Government Code Section 911.2 requires that claims against public entities, with limited exception, be filed within six months of the accrual of the action giving rise to the claim.

Statutory exceptions to the claim filing requirements include failure to present the claim through mistake, inadvertence, surprise or excusable neglect with no resulting prejudice to the public entity; the injured party was physically or mentally incapacitated during the claim filing period; and the minority or death of the injured party.

Ms. Oberg failed to present any proof that one or more of the statutory grounds for the submittal of a late claim applies in this matter. Therefore, it is recommended that the Council authorize the City Clerk to deny the request of Sandra Kay Oberg to file a late claim pursuant to Government Code section 911.6(a).

FUNDING: Not Applicable.

Janice D. Magdich
Deputy City Attorney

Attachments

APPROVED: _____
Konradt Bartlam, City Manager

jd

CERTIFIED MAIL

Randi Johl, City Clerk
City Hall
221 W. Pine St.
P. O. box 3006
Lodi, CA 95241-1910

October 18, 2010

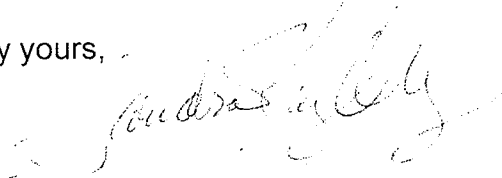
Re: Leave to Present a Late Claim

Dear Mr, Johl;

A leave to present a late claim is requested. We had been operating under the false impression the claim form had already been mailed. In preparation for camp hosting in various State and National Parks this past spring and summer we apparently had forgotten to mail our Claim for Money or Damages against the City of Lodi. This only became apparent with your response of October 15, 2010. If we had been more vigilant we could have expected a response from your office with a case number or some other form of acknowledgement.

A Claim for Money or Damages against the City of Lodi, California is submitted with this letter along with the documentation for our claim which was recently returned.

Sincerely yours,



Sandy Oberg

FILE CLAIM WITH:

City Clerk – City of Lodi
221 West Pine Street
(209) 333-6702

**CLAIM FOR MONEY
OR DAMAGES AGAINST THE
CITY OF LODI, CALIFORNIA**



Reserved For Filing Stamp

Claim No. _____

RECEIVED

2010 OCT 19 PM 3:07

CITY CLERK
CITY OF LODI

OR MAIL TO:

PO Box 3006
Lodi, CA 95241-1910

Attach estimates, receipts, photos, diagrams, or witness statements to support your claim. If additional space is needed, attach supplemental sheets – clearly identify the section(s) being answered.

Government Code requires claims be presented by the claimant or the claimant's representative and include the following:

Section 1. Claimant Information:Name: Sandra Kay ObergRedacted

Mailing Address: _____

City/State/Zip Code: _____

Telephone: _____

Section 2. Representative Information (Must be completed if claim is filed by claimant's attorney or authorized representative):

Name: _____

☐ Check box if same as above

Mailing Address: _____

City/State/Zip Code: _____

Telephone: () _____

Section 3. Claim Information:Date of Occurrence: Jan 15, 2010Time of Occurrence: 5:10 am/pmLocation: Sidewalk bordering B. Katzakian Pk. on Turner Rd

Circumstances giving rise to this claim and why you believe the City of Lodi is responsible: City sidewalk with uneven sidewalk. One corner was much lower than next section. Next section of walk looked like it had lifted up.

General description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of the presentation of the claim.

Trips to emergency, surgery on my left wrist which was broken in the fall. Many mgs apt with physical therapy. Much pain + discomfort. My time to recover from surgery. Trips to Dr + P.T. at home. recovery time. Time to do all of the P.T. required to do at home. Missed activities.

Name of City department(s) or City employee(s) causing the injury, damage, or loss, if known.

Who ever keeps sidewalks in repair

The amount claimed as of the date of presentation of the claim should include the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

Basis for computation of claim:

Amount Claimed: \$ _____

Hospital Emergency, surgery, Dr + P.T. visits, Medication prescriptions + OTC. Mileages, mgs + My husband's time

If amount claimed exceeds \$10,000: If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case. A limited civil case is one where the recovery sought, exclusive of attorney fees, interest, and court costs does not exceed \$25,000. An unlimited civil case is one in which the recovery sought is more than \$25,000 (CCP §86.)

☐ Limited Civil Case☐ Unlimited Civil Case

Section 4. Additional Information:

You are required to provide the information requested on the previous page to comply with the California Government Code; however, to assist the City's investigation, please answer the following questions:

If the claim involves a minor, provide minor's date of birth. _____

Name, address, and telephone number of any witnesses to the occurrence or transaction which gave rise to the claim asserted:

CHP Officer # 12818 phone # unknown
Heather Garcia
Maurice Oberg ~~Redacted~~

If the claim involves medical treatment for a claimed injury, please provide the name, address and telephone number of any doctors or hospitals providing treatment:

See attached documents

If applicable, please attach any medical bills or reports or similar documents supporting your claim.

Does this claim relate to an automobile accident? ☒ No (sign below) ☐ Yes (complete this section and sign below)

Claimant's Auto Insurance Co.:	Claimant Drivers License No.:
Mailing Address:	_____
City/State/Zip:	License Expires: _____
Telephone: ()	Vehicle Make/Model/Year:
Insurance Broker/Agent:	_____
Mailing Address:	License No.: _____
City/State/Zip	Insurance Policy No.:
Telephone: ()	_____

Section 5. Medicare Medicaid and S-CHIP Extension Act

Section 111 of the Medicare Medicaid & S-CHIP Extension Act requires the City of Lodi to report certain claims to the federal government. Please indicate if the claimant is : 65 years of age or older, or received Social Security Disability Insurance Benefits for 24 or more months, or has End Stage Renal Disease. If yes, you may be required to provide additional information to process your claim. Please circle one:

YES **NO**

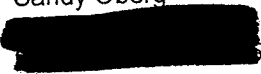
Section 6. Notice and Signature

Notice: Presentation of a false claim is a felony (Penal Code §72). Every person who, with intent to defraud, presents any false or fraudulent claim is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine, or by imprisonment in the state prison, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine. Pursuant to Code of Civil Procedure §1038.

Unsigned or incomplete claims will be returned as insufficient, resulting in no action on the part of the City.

<u>Sandra Oberg</u> Claimant's Name (please print)	<u>[Signature]</u> Claimant's Signature	<u>May 3 2010</u> Date Claim Submitted
---	--	---

Sandy Oberg

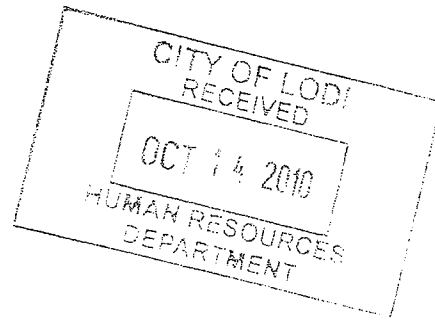


Redacted

October 11, 2010

City of Lodi
P. O. Box 3006
Lodi, CA 95241-

Date of Injury: 1/15/2010
Event Number: 11787142-11787082



Dear Sir/Madam;

We have just returned from summer camp hosting at various State and National Parks. Because of the remoteness of these locations we were unable to work on our initial claim.

Attached is a summary of the expenses and copies of the receipts to date.

Sincerely yours,

Sandy Oberg

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Approving Transit Fare Structure Updates

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider resolution approving transit fare structure updates.

BACKGROUND INFORMATION: At the August 24, 2010 Shirtsleeve Session, staff discussed several items presented at two City-hosted public information meetings. One of the items included replacing the fixed route monthly pass with a 31-day pass. Another request from Transit riders was to modify the 10-ride passes. Staff requests City Council approve the recommendations and associated transit fare structure changes as presented in Exhibit A, based upon the information provided below.

Change Fixed Route Monthly Pass to 31-Day Pass: By January 2, 2011, new automated fare boxes will be in place, along with new pre-printed tickets. Currently, patrons purchase fixed route monthly passes that are hole-punched by month and year to validate the pass. The new automated fare box equipment will be able to print the start date and it will expire 31 days later.

Add Dial-A-Ride/VineLine (DAR/VL) 10-Ride Pass Senior/Disabled/Medicare (Outside City Limit): Currently, there is a surcharge for passengers using DAR/VL outside the City limits. Staff recommends incorporating this surcharge into a 10-ride pass for DAR/VL Senior/Disabled/Medicare passengers to make it more convenient for our customers. The new \$31 pass includes \$16 for the DAR/VL Senior/Disabled/Medicare 10-ride pass plus \$15 (\$1.50 surcharge multiplied by 10 rides for service outside the City limits).

Change Fare for Fixed Route 10-Ride Pass Senior/Disabled/Medicare: On April 7, 2010, City Council approved a fare reduction from \$0.65 to \$0.60 to comply with the half-fare federal regulation (Fixed Route General Public Fare is \$1.25); however, the 10-ride pass was not changed from \$6.25 to \$6.00. Staff recommends reducing the fixed route 10-ride pass for Senior/Disabled/Medicare to \$6.00 (\$0.60 multiplied by 10 rides).

Prior to the public hearing, the proposed fare structure was posted on all buses in English and Spanish and distributed by the drivers to passengers requesting comments. Comments on the proposed fare structure update will be presented at the public hearing. At the two public information meetings, staff received positive feedback for the 31-day pass since it is similar to other transit agencies fare passes.

Notices for the public hearing were published in the *Lodi News-Sentinel* and posted at the Lodi Transit Station, Hutchins Street Square, LOEL Senior Center, and Lodi Public Library.

APPROVED: _____
Konradt Bartlam, Interim City Manager

FISCAL IMPACT: The proposed transit fare restructuring has an insignificant effect on transit revenues.

FUNDING AVAILABLE: No General Fund revenues are needed to cover the extended service operation costs.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

Attachment

Effective: January 2, 2011		
	Existing Fare	Proposed Fare
Dial-A-Ride Single Ride - General Public (0-59)	\$7.00	N/C
Dial-A-Ride/ VineLine Single Ride - Senior/Disabled/Medicare	\$2.00	N/C
Dial-A-Ride 10-Ride General Public	\$66.50	N/C
Dial-A-Ride/ VineLine 10-Ride Pass Senior/Disabled/Medicare	\$16.00	N/C
Dial-A-Ride/ VineLine 10-Ride Pass Senior/Disabled/Medicare (Outside City Limits)		\$31.00
Dial-A-Ride/VineLine Surcharge for Outside City Limits	\$1.50	N/C
Fixed Route General Public (5-59)	\$1.25	N/C
Fixed Route Senior/Disabled/Medicare	\$0.60	N/C
Fixed Route General Public Monthly Pass 31-day Pass	\$44.00	\$44.00
Fixed Route Senior/Disabled/Medicare Monthly Pass 31-day Pass	\$22.00	\$22.00
Fixed Route 10-Ride Pass General Public	\$12.50	N/C
Fixed Route 10-Ride Pass Senior/Disabled/Medicare	\$6.25	\$6.00
N/C - No change		

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY
COUNCIL APPROVING TRANSIT FARE
STRUCTURE UPDATES

=====

WHEREAS, at the August 24, 2010 Shirtsleeve Session, staff discussed several items presented at two City-hosted public information meetings, including replacement of the fixed route monthly pass with a 31-day pass and modification of the 10-ride passes; and

WHEREAS, by January 2, 2011, new automated fare boxes will be in place, which will be able to print the start date on the ticket and it will expire 31 days later; and

WHEREAS, currently, there is a surcharge for passengers using DAR/VL outside the City limits. Staff recommends incorporating this surcharge into a 10-ride pass for DAR/VL Senior/Disabled/Medicare passengers to make it more convenient for our customers. The new \$31 pass includes \$16 for the DAR/VL Senior/Disabled/Medicare 10-ride pass plus \$15 (\$1.50 surcharge multiplied by 10 rides for service outside the City limits); and

WHEREAS, on April 7, 2010, City Council approved a fare reduction from \$0.65 to \$0.60 to comply with the half-fare federal regulation (Fixed Route General Public Fare is \$1.25); however, the 10-ride pass was not changed from \$6.25 to \$6.00. Staff recommends reducing the fixed route 10-ride pass for Senior/Disabled/Medicare to \$6.00 (\$0.60 multiplied by 10 rides).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the recommendations and transit fare structure changes as presented in Exhibit A attached.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

EXHIBIT A

Effective: January 2, 2011

	Existing Fare	Proposed Fare
Dial-A-Ride Single Ride - General Public (0-59)	\$7.00	N/C
Dial-A-Ride/ VineLine Single Ride - Senior/Disabled/Medicare	\$2.00	N/C
Dial-A-Ride 10-Ride General Public	\$66.50	N/C
Dial-A-Ride/ VineLine 10-Ride Pass Senior/Disabled/Medicare	\$16.00	N/C
Dial-A-Ride/ VineLine 10-Ride Pass Senior/Disabled/Medicare (Outside City Limits)		\$31.00
Dial-A-Ride/VineLine Surcharge for Outside City Limits	\$1.50	N/C
-		
Fixed Route General Public (5-59)	\$1.25	N/C
Fixed Route Senior/Disabled/Medicare	\$0.60	N/C
Fixed Route General Public Monthly Pass 31-day Pass	\$44.00	\$44.00
Fixed Route Senior/Disabled/Medicare Monthly Pass 31-day Pass	\$22.00	\$22.00
Fixed Route 10-Ride Pass General Public	\$12.50	N/C
Fixed Route 10-Ride Pass Senior/Disabled/Medicare	\$6.25	\$6.00

N/C - No change



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER RESOLUTION APPROVING
TRANSIT FARE STRUCTURE UPDATES**

PUBLISH DATE: SATURDAY, OCTOBER 23, 2010

LEGAL AD

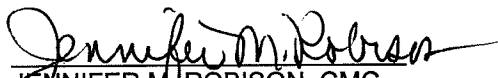
TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, OCTOBER 21, 2010

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMR (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER RESOLUTION APPROVING TRANSIT FARE STRUCTURE UPDATES

On Friday, October 22, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider resolution approving transit fare structure updates (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 22, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Resolution approving transit fare structure updates.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

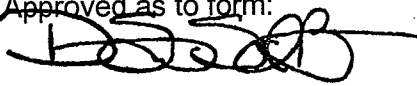
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Randi Johl
City Clerk

Dated: October 20, 2010

Approved as to form:


D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Public Hearing to Consider Unmet Transit Needs in Lodi

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Public hearing to consider unmet transit needs in Lodi.

BACKGROUND INFORMATION: These public hearings are an annual requirement of the Transportation Development Act regulations. The San Joaquin Regional Transit District will be sponsoring several Unmet Transit Needs hearings to discuss unmet transit needs in San Joaquin County, including Lodi. Throughout the year, many comments and service requests are given directly to San Joaquin Council of Governments (SJCOG) staff and discussed at the regular SJCOG Interagency Transit Committee.

Unmet Transit Needs are defined as transportation services not currently provided to those residents who use or would use public transportation regularly, if available, to meet their life expectations. SJCOG's Social Services Transportation Committee (SSTAC) will evaluate the comments received based on a reasonableness test of six criteria. The criteria include community acceptance, equity, potential ridership, cost effectiveness, operational feasibility, and funding. The funding criterion requires the imposed service does not cause the public agency to incur expenses in excess of the maximum allocation of TDA funds. Completion of the Draft Unmet Transit Needs study is scheduled for February 2011 with adoption of the Final Unmet Transit Needs study in April 2011.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: None required.

F. Wally Sandelin
Public Works Director

Prepared by Paula J. Fernandez, Transportation Manager/Senior Traffic Engineer

FWS/PJF/pmf

cc: Tanisha Taylor, San Joaquin Council of Governments
Aaron Hoyt, San Joaquin Council of Governments

APPROVED: _____
Konradt Bartlam, Interim City Manager



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER UNMET TRANSIT NEEDS IN
LODI**

PUBLISH DATE: SATURDAY, NOVEMBER 6, 2010

LEGAL AD


TEAR SHEETS WANTED: One (1) please

**SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052**

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, NOVEMBER 4, 2010

**ORDERED BY: RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
	Phoned to confirm receipt of all pages at _____ (time) _____ CF _____ MB _____ JMR (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER UNMET TRANSIT NEEDS IN LODI

On Friday, November 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider unmet transit needs in Lodi (attached and marked as Exhibit A) was posted at the following locations:

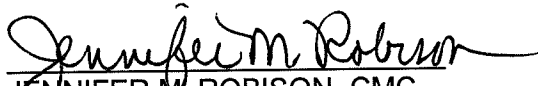
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl,
City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

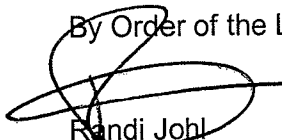
NOTICE IS HEREBY GIVEN that on **Wednesday, November 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Unmet Transit Needs in Lodi.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

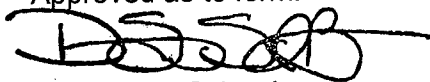
By Order of the Lodi City Council:



Randi Johl
City Clerk

Dated: November 3, 2010

Approved as to form:



D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to Consider Adoption of Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees For 2011

MEETING DATE: November 17, 2010

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Conduct a Public Hearing to consider adoption of Resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2009.

BACKGROUND INFORMATION: On February 21, 2001, the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The Plan includes a schedule of fees to be paid by property owners who propose to develop their property with non-agricultural uses. These fees are used to mitigate for the cumulative impacts of new development on habitat lands within Lodi and San Joaquin County. According to the Plan, it is necessary for all jurisdictions covered by the Plan to approve the Habitat Conservation Plan (HCP) fees in order for the jurisdiction to continue to participate in the Plan. The fees are reviewed on an annual basis.

According to the San Joaquin Council of Governments (SJCOG), it is necessary for all jurisdictions covered by the Plan to adopt the annual Habitat Conservation Plan (HCP) fees in order for those jurisdictions to continue to participate in the Plan. SJCOG adopted financial analysis model in late 2006 to calculate development fees. The Financial Analysis Model also established a formula method that provides for future annual adjustments of the fee schedule based on the established criteria. Utilizing this formula, the SJCOG has established a new fee schedule for 2011 (attachment). For 2011, the fees for all categories of habitat land have decreased. Open Space lands have decreased from \$7,307 to \$6,631 (by 9.25 percent). Agriculture and Natural lands (the two largest categories) have decreased by 9.26 percent from \$14,615 to \$13,262. Fees for Vernal Pool (grasslands) habitat lands decreased by 8.9 percent from \$42,071 to \$38,328 and Vernal Pool (wetted lands) decreased by 3.77 percent from \$80,766 to \$77,720. An explanation of the analysis methodology is included in the SJCOG staff report (attachment).

On August 11, 2010, The SJCOG Board unanimously approved the attached HCP fee schedule for 2011. All local jurisdictions are now being asked to adopt the new fee schedule that will take effect on January 1, 2011. These new development fee changes will take effect on January 1, 2011 and expire December 31, 2011. The fees will be paid by land owners who develop their property with projects that are subject to the fees.

APPROVED: _____
Konradt Bartlam, Interim City Manager

FISCAL IMPACT: Not Applicable

FUNDING AVAILABLE: Not Applicable

Konradt Bartlam
Community Development Director

KB/IB/kjc

Attachments:

- 1) SJCOG Staff Report w/Fee Analysis Update summary
- 2) Habitat Conservation Plan 2011 and 2010 Fee Schedule

Staff Report

SUBJECT: 2011 SJMSCP Development Fees

RECOMMENDED ACTION: Motion to Approve the 2011 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index

SUMMARY:

The final calculation of the 2011 SJMSCP Development Fees showed a significant decrease in all the habitat categories. SJCOG, Inc. staff calculated the fee in accordance with the SJMSCP and the financial analysis model adopted by the SJCOG, Inc. Board in late 2006. Staff is bringing the fees for the annual approval by the SJCOG, Inc. Board as required under the plan. If approved by the SJCOG, Inc. Board, SJCOG, Inc. staff shall notify each local jurisdiction regarding proposed annual adjustments to the SJMSCP development fees and require the local jurisdictions to adopt the current SJMSCP fee.

Per the financial analysis model adopted in late 2006, the development fees are calculated using a formula method which will be adjusted annually as shown in the table below [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)]. Each component of the formula is adjusted using a specific mechanism which relates to the individual component in the fees. The development fees established must be adopted by each of the jurisdictions and would become effective on January 1st of the subsequent year for projects using the SJMSCP.

2011 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$4,288.02	\$1,498.44	\$844.78	\$6,631.23	\$6,631
AG/Natural	\$8,576.04	\$2,996.88	\$1,689.55	\$13,262.47	\$13,262
Vernal Pool (grasslands)	\$31,580.64	\$564.36	\$6,183.02	\$38,328.02	\$38,328
Vernal Pool (wetted)	\$31,580.64	\$39,956.00	\$6,183.02	\$77,719.66	\$77,720

2010 SJMSCP Development Fees

<i>Habitat Type</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Total Fee</i>	<i>Rounded Fee*</i>
<i>Open Space</i>	\$5,005.55	\$1,471.94	\$829.84	\$7,307.34	\$7,307
<i>AG/Natural</i>	\$10,011.11	\$2,943.89	\$1,659.68	\$14,614.67	\$14,615
<i>Vernal Pool (grasslands)</i>	\$35,442.51	\$554.38	\$6,073.69	\$42,070.59	\$42,071
<i>Vernal Pool (wetted)</i>	\$35,442.51	\$39,249.51	\$6,073.69	\$80,765.72	\$80,766

DISCUSSION:

Category A (acquisition) - Comparables

This category is directly related to land valuation based on comparables which occur in specific zones of the plan. This category is evaluated on a yearly basis by taking all qualified comparables in each zone, including SJCOG, Inc. easements, to set a weighted cost per acre using the same methodology as in the Financial Analysis Update in 2006 created by EPS. The SJCOG, Inc. easements are evaluated using the appraised value of the property in the before condition to be included with the fee title sales of other property occurring in San Joaquin County meeting specific criteria below. The final weighted cost per acre of each zone is calculated into a blended rate under SJMSCP Fee Category A (acquisition) figure for each habitat type (Attachment 1-Tables A-D).

The criteria to determine valid comparables used in the weighted calculation are:

1. All SJCOG, Inc. transactions (fee title and appraised value of unencumbered property)
2. Sales not less than 40 acres
3. Sales not greater than 500 acres
4. No parcels with vineyard or orchard (except SJCOG, Inc. transactions for special needs)
5. Must be land which would fulfill mitigation under the plan
6. Not greater than 2 years old from the date of June 30th of each year with all acceptable comparables included (criteria 1-5). A minimum of 10 acceptable comparables are required for analysis. If the minimum of 10 transactions are not available, the time period will extend at 3 month intervals prior to the beginning date until 10 comparables are gathered.

The calculation results in a minimal decrease to the Agricultural/Natural Habitat type of Category A (acquisition) component to be **\$8,576.04**.

Category B (assessment & enhancement) - Consumer Price Index

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **1.8%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category B (Assessment & Enhancement) component to be **\$2,996.88**.

Category C (management & administration) - Consumer Price Index

This category is a straight forward use of an average of the California Consumer Price Index (CPI) calculator, as reported by the California Department of Finance, for a 12 month period following a fiscal year (July – June) to keep up with inflation on a yearly basis. The California CPI calculation was an increase of **1.8%**.

The calculation results in an increase of the Agricultural/Natural Habitat type Category C (Management & Administration) component to be **\$1,689.55**.

SJCOG, Inc. staff calculated the fees using the SJMSCP Financial Analysis formula model [FEE = Category A (acquisition) + Category B (assessment & enhancement) + Category C (management & admin)] which is shown in Table 1-8 and final fee table in attachment 2. The overall result in the calculations was a slight decrease in the fees from the 2010 to the 2011 shown in the table below.

2011 SJMSCP Development Fees

Habitat Type	Category A	Category B	Category C	Total Fee	Rounded Fee*
Open Space	\$4,288.02	\$1,498.44	\$844.78	\$6,631.23	\$6,631
AG/Natural	\$8,576.04	\$2,996.88	\$1,689.55	\$13,262.47	\$13,262
Vernal Pool (grasslands)	\$31,580.64	\$564.36	\$6,183.02	\$38,328.02	\$38,328
Vernal Pool (wetted)	\$31,580.64	\$39,956.00	\$6,183.02	\$77,719.66	\$77,720

2010 SJMSCP Development Fees

<i>Habitat Type</i>	<i>Category A</i>	<i>Category B</i>	<i>Category C</i>	<i>Total Fee</i>	<i>Rounded Fee*</i>
<i>Open Space</i>	<i>\$5,005.55</i>	<i>\$1,471.94</i>	<i>\$829.84</i>	<i>\$7,307.34</i>	<i>\$7,307</i>
<i>AG/Natural</i>	<i>\$10,011.11</i>	<i>\$2,943.89</i>	<i>\$1,659.68</i>	<i>\$14,614.67</i>	<i>\$14,615</i>
<i>Vernal Pool (grasslands)</i>	<i>\$35,442.51</i>	<i>\$554.38</i>	<i>\$6,073.69</i>	<i>\$42,070.59</i>	<i>\$42,071</i>
<i>Vernal Pool (wetted)</i>	<i>\$35,442.51</i>	<i>\$39,249.51</i>	<i>\$6,073.69</i>	<i>\$80,765.72</i>	<i>\$80,766</i>

During the August 2010 HTAC, the HTAC approved the recommendation to the SJCOG, Inc. Board for approval of the 2011 SJMSCP Development Fees and allowing SJCOG, Inc. staff to assist the local jurisdictions in adoption of the habitat fees.

RECOMMENDATION:

Staff recommends the SJCOG, Inc. Board approve the 2011 SJMSCP Development Fees as Adjusted Pursuant to Land Sale Comparables and Consumer Price Index and direct staff to work with local jurisdictions in adopting the current fee.

Prepared by: Steve Mayo, Senior Habitat Planner

M:\STAFFRPT\2010\August\Board\2011 SJMSCP Development Fees



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 235-0600 • FAX (209) 235-0438

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

Ann Johnston
CHAIR

Chuck Winn
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2011 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$6,631
Natural	\$ 13,262
Agriculture	\$ 13,262
Vernal Pool - uplands	\$ 38,328
Vernal Pool - wetted	\$ 77,720

* Effective January 1, 2011 – December 31, 2011

2011 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,996.88	\$1,689.55	\$4,686.43
Natural Lands	\$2,996.88	\$1,689.55	\$4,686.43
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$564.36	\$6,183.02	\$6,747.38
<i>Vernal Pool Wetted</i>	\$39,956.00	\$6,183.02	\$46,139.02

** Effective January 1, 2011 – December 31, 2011 in lieu of fees to be used as the endowment for the dedicated land preserves (Category B + C)

VELB Mitigation

A special fee category shall apply when removal of elderberries occurs. The fee shall be paid to SJCOG, Inc. or a VELB mitigation bank approved by the Permitting Agencies. The current fee, as established in the VELB Conservation Fund Account managed by the Center for Natural Lands Management, and approved by the USFWS, is \$1,800 per VELB Unit (one unit= one stem over 1" in diameter at ground level which is removed). Fees shall be established by the JPA during preconstruction surveys (i.e., counts of stems to be removed with and without exit holes shall be completed during preconstruction surveys) and shall be paid to the JPA prior to ground disturbance or stem removal, whichever comes first.



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 468-3913 • FAX (209) 468-1084

*San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)*

Larry Hansen
CHAIR

Ann Johnston
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies

CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2010 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$7,307
Natural	\$ 14,615
Agriculture	\$ 14,615
Vernal Pool - uplands	\$ 42,071
Vernal Pool - wetted	\$ 80,766

* Effective January 1, 2010 – December 31, 2010

2010 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,943.89	\$1,65968	\$4,603.57
Natural Lands	\$2,943.89	\$1,65968	\$4,603.57
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$554.38	\$6,073.69	\$6,628.07
<i>Vernal Pool Wetted</i>	\$39,249.51	\$6,073.69	\$45,323.20

** Effective January 1, 2010 – December 31, 2010 in lieu of fees to be used as the endowment for the preserve (Category B & C)

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE SAN JOAQUIN COUNTY MULTI-
SPECIES HABITAT CONSERVATION AND OPEN
SPACE PLAN DEVELOPMENT FEE

=====

WHEREAS, the City Council of the City of Lodi adopted an ordinance establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001, was prepared, which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to, preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approved said report; and further found that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, an "Updated Fee Study" dated November 2, 2006, was prepared, which analyzed and identified the costs, funding, and indexing of the SJMSCP; and

WHEREAS, the SJMSCP Development Fees are divided into three categories: vernal pool habitat, natural land and agricultural habitat land, and multi-purpose open space conversion; and

WHEREAS, the SJMSCP Development Fees for these three categories will be decreased consistent with the Updated Fee Study findings for the year 2011. A table illustrating the Development Fee decreases for the three categories of land is attached hereto as Exhibit "A"; and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, based on the method set forth in this resolution, shall be made to the fees annually; and

WHEREAS, the Updated Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than ten days prior to the date of this Public Hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Ordinance 1701, and remain valid, and the City Council therefore adopts such determinations.
2. The City Council finds and declares that since adoption of Ordinance 1701, the cost of land has decreased in San Joaquin County; and that in order to maintain the reasonable relationship established by Ordinance 1701, it is necessary to decrease the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
3. The Development Fee for natural lands, agricultural land, vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
4. The Fee provided in this resolution shall be effective on January 1, 2011.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED that the Lodi City Council hereby approves the proposed Habitat Conservation and Open Space fee adjustment as shown on Exhibit A attached.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



SJCOG, Inc.

555 East Weber Avenue • Stockton, CA 95202

(209) 235-0600 • FAX (209) 235-0438

EXHIBIT A

***San Joaquin County Multi-Species Habitat Conservation &
Open Space Plan (SJMSCP)***

Ann Johnston
CHAIR

Chuck Winn
VICE CHAIR

Andrew T. Chesley
PRESIDENT

Member Agencies
CITIES OF
ESCALON,
LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

2011 Updated Habitat Fees*

Habitat Type	Fee Per Acre
Multi-Purpose Open Space	\$6,631
Natural	\$ 13,262
Agriculture	\$ 13,262
Vernal Pool - uplands	\$ 38,328
Vernal Pool - wetted	\$ 77,720

* Effective January 1, 2011 – December 31, 2011

2011 Endowment Fees with In-lieu Land**

Type of Preserve	Enhancement Cost/acre	Land Management Cost/acre	TOTAL PER ACRE ENDOWMENT
Agricultural Habitat Lands	\$2,996.88	\$1,689.55	\$4,686.43
Natural Lands	\$2,996.88	\$1,689.55	\$4,686.43
Vernal Pool Habitat			
<i>Vernal Pool Grasslands</i>	\$564.36	\$6,183.02	\$6,747.38
<i>Vernal Pool Wetted</i>	\$39,956.00	\$6,183.02	\$46,139.02

** Effective January 1, 2011 – December 31, 2011 in lieu of fees to be used as the endowment for the dedicated land preserves (Category B + C)

VELB Mitigation

A special fee category shall apply when removal of elderberries occurs. The fee shall be paid to SJCOG, Inc. or a VELB mitigation bank approved by the Permitting Agencies. The current fee, as established in the VELB Conservation Fund Account managed by the Center for Natural Lands Management, and approved by the USFWS, is \$1,800 per VELB Unit (one unit= one stem over 1" in diameter at ground level which is removed). Fees shall be established by the JPA during preconstruction surveys (i.e., counts of stems to be removed with and without exit holes shall be completed during preconstruction surveys) and shall be paid to the JPA prior to ground disturbance or stem removal, whichever comes first.



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION
SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT
CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR
2011

PUBLISH DATE: SATURDAY, NOVEMBER 6, 2010

LEGAL AD


TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, NOVEMBER 4, 2010

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)			
LNS _____	Phoned to confirm receipt of all pages at _____ (time)	JMR _____	CF _____ MB (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION SETTING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN DEVELOPMENT FEES FOR 2011

On Friday, November 5, 2010, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011 (attached and marked as Exhibit A) was posted at the following locations:

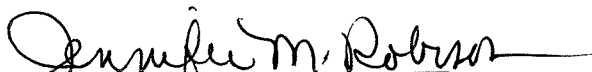
Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5, 2010, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 17, 2010

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, November 17, 2010**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **Adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: November 3, 2010

Approved as to form:

D. Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Post for One Vacancy on the Lodi Improvement Committee

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Direct the City Clerk to post for one vacancy on the Lodi Improvement Committee.

BACKGROUND INFORMATION: The recent passing of Lodi Improvement Committee member Eileen St. Yves creates a vacancy on the Committee. Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. Therefore, it is recommended that the City Council direct the City Clerk to post for the vacancy shown below.

Lodi Improvement Committee

Eileen St. Yves Term to expire March 1, 2012

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through October 31, 2010.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: See attached.

Randi Johl
City Clerk

RJ/JMR

Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager

Cumulative Report through October 31, 2010

Prepared by: JMR



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Provide Direction Regarding Request of Lodi Chamber of Commerce for Waiver of Remittance of Business License Taxes Collected at the October 2010 Street Faire

MEETING DATE: November 17, 2010

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Provide direction regarding request of Lodi Chamber of Commerce for waiver of remittance of Business License Taxes collected at the October 2010 Street Faire.

BACKGROUND INFORMATION: The Lodi Chamber of Commerce sponsors the Lodi Street Faire on the first Sunday in May and October of each year. The Lodi Municipal Code Section 3.01 provides for Business License Taxes for all businesses operating in the city. The Chamber of Commerce collects Business License Taxes of \$10 per vendor from all vendors that participate in the Street Faire that do not currently hold City business licenses. These amounts are included in the registration fees charged by the Chamber. The Chamber of Commerce has requested that the Council waive remittance of the Business License Taxes per section 3.01.030 (H) of the Lodi Municipal Code. The Chamber of Commerce request is attached.

The Chamber reports that the October 2010 Street Faire had a total of approximately 500 vendors. Of these, 276 did not have City of Lodi business Licenses. Business Licenses Taxes due to the City total \$2,760. The Chamber request notes a number of additional costs such as insurance, signage, a golf cart for Fire Department use and lost vendor income. These charges totaling \$4,480 were incurred for the first time at the October 2010 Faire. Additionally, the Chamber notes a \$3,500 cost for a fire-rated dining tent that will be amortized over numerous Street Faires.

Staff requested that the Chamber provide an operating statement for the event. Staff was advised that the Chamber Board would not release operating results for the event.

FISCAL IMPACT: Business license taxes are General Fund revenue and support General Fund activities. General Fund revenues would be reduced by \$2,760 if the full amount due is waived.

FUNDING AVAILABLE: Not applicable.

Jordan Ayers
Deputy City Manager

JA/ja
Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager



October 7, 2010

Mr. Rad Bartlam
Interim City Manager
City of Lodi

Mr. Bartlam,

Following up on our conversation of last week, The Lodi Chamber would like to petition the City of Lodi and City Council to temporarily waive (at least for the October 2010 Faire) the Business License Tax the Chamber always pays the City after each Street Faire.

Our request is for these reasons:

- Provision for such a request is provided under City Ordinance 1607, Chapter 3.01 under Exemptions letter H, "Street Fairs & Special Events.
- Adherence to newly-enforced City mandated codes and fees have substantially increased costs for the Lodi Chamber.

*City Insurance (Increased)	\$1,000 per Fair
*Farwest Road Closure Sign facilitation	2,000 per Fair
*New Dinning Tent (Fire-Rated)	3,500 Amortized
*Lost Vendor Income (Fire Regs)	1,100 October Fair
*No Alcohol Signs	200
*Golf Cart (Fire Dept Use)	180

To be clear, we are not saying the reasons for the city-driven costs are wrong or unjust, we understand their genesis is in strict adherence to the law. While we know other cities enforcement is not as stringent, we live and work in Lodi, and often the cost of doing business is higher here.

In this current economic climate when all businesses are suffering from loss of income the Chamber is no different. The timing of these escalating, city-driven costs and the burden on our balance sheet comes at a bad time. It is these economic facts and past councils' provisions for a waiver that bring us to make this request. The total amount of the Business License Fee for this October's Street Faire is \$2,760. A breakdown by vendor type is attached. Thank you for your consideration.

Sincerely,

Pat Patrick,
President / CEO
Lodi Chamber of Commerce



October 5, 2010

Subject: Lodi Street Faire - October 3, 2010 - City of Lodi Business License

276 one day Business Licenses from the City of Lodi at \$10.00 each total = \$2760.00

88 – Antiques

51 – Commercial

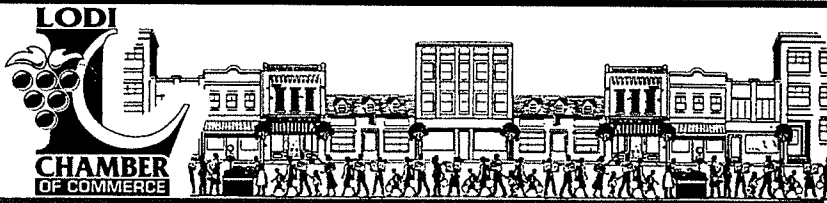
137 – Arts and Crafts

Sandi Somers

Events Manager

Lodi Chamber of Commerce

209.367.7840 x105



Register online at www.LodiChamber.com

LODI STREET FAIRE

Sunday, May 1, 2011 • 8 AM to 4 PM

Business and License Information

Business Name: _____

Contact Name: _____

Address: _____

City, State, ZIP: _____

Email Address: _____

Phone: _____

Fax: _____

Vendor Type: ☐ Antiques ☐ Green Expo
☐ Arts and Crafts ☐ Commercial

Items to be Sold: _____

CA Resale #¹ _____

City of Lodi ☐ Yes, I have one

License: ☐ No, please provide one for me at no cost

Application Instructions

- All fields are mandatory. To avoid delays, please double-check each field before submitting your application.
- **Previous Vendor cut off is Feb. 18, 2011** to keep your previous space. Apply early for the best spaces; deadline is **April 29, 2011**.
- Please include a Self addressed stamped envelope to receive your vendor packet.
- Please do not send application without payment. Please return application and payment to Chamber: Lodi District of Commerce at 35 S. School Street, Lodi, CA 95240, via fax to (209) 369-9344, or email to info@lodichamber.com.
- Questions? You are welcome to call us at (209) 367-7840 or email us.
- Vendor packets will not be mailed until after the Previous Vendor cutoff on March 1, 2011.

Your Street Faire Space

Early Registration After April 15th

- ☐ **Antiques One Space**.....\$125.....\$135
- Arts & Crafts and Commercial Vendors**
- ☐ One Space\$145.....\$165
- ☐ Double Space.....\$265.....\$285
- ☐ Triple Space².....\$380.....\$405
- ☐ End Space².....\$180.....\$200
- ☐ Reg. Space & End Space².....\$300.....\$320

Apply early to get
the best spaces or
to be the next one
in line to get a
preferred location!

☐ My preferred spaces:

#1 _____

#2 _____

Payment and Agreement

- ☐ Check Enclosed (after April 10, 2011, payment must be made via credit card)
- ☐ No refunds will be made after April 10, 2011 (\$25 fee on all refunds)
- ☐ A \$25 fee will be assessed for all returned checks.
- ☐ I authorize you to charge my Visa or MasterCard:

Card Number: _____

Exp Date: _____ CSV _____

- ☐ By signing below I will indemnify, defend, and hold the Lodi District Chamber of commerce, its officers, agents, servants, and employees harmless from any and all claims for loss, damage, injury, or liability of whatsoever nature and howsoever the same may be caused or may arise resulting directly or indirectly from their participation in this event.

Signed and Dated:

Main Vendor: _____

2nd Vendor: _____

3rd Vendor: _____

Office Use Only:

Check: _____ Previous: _____

Space: _____ Returning: _____

CC MS: _____ New Vendor: _____

Mailed: _____

¹ A California Resale Permit is required for all Street Faire exhibitors.

² For triple spaces and end spaces, please verify availability before submitting your application.

Street Faire Rules

READ BELOW CAREFULLY – YOUR SIGNATURE AT THE BOTTOM IS REQUIRED AND ACKNOWLEDGES THAT YOU UNDERSTAND AND WILL ABIDE BY THE RULES AND REGULATIONS OF THE LODI STREET FAIRE. NO EXCEPTIONS

These instructions are in place to protect everyone participating

- 1.) In case of inclement weather, the Chamber is unable to have rain dates or give refunds or credits for booth space. The Faire will still go on.
- 2.) All vendors must unload, park their vehicle outside of the barricaded area (in a valid parking spot) and be set up by 7:00 AM. The Chamber is not responsible if you get a parking ticket. You may not drive in or out after 7:00 AM. If you are not set up by 7:00 AM your space will be subject to resale without notice and you will not receive a refund. No exceptions. No exhibitor will be allowed to tear down their booth before 4 PM and must be packed up by 6 PM.
- 3.) Pre-registered vendors who have paid in advance and have received their vendor packet are allowed to set up after 2:30 AM. They may go directly to their space to set up. However, if you need help finding your space, you may go to our vendor check-in area between 4 and 7 AM, located at the intersection of Church and Walnut Streets, or their will be additional people to help you at each entrance to the Street Faire. All space numbers are located on the curbs of the streets. The space number is located at the center of your assigned area.
- 4.) All vendors are required to hold a valid California Resale Number. There is no charge for the permit and it can be obtained by calling 800-400-7115 or online at www.boe.ca.gov.
- 5.) Spaces **must** be paid for when a Street Faire application is submitted to the Lodi Chamber of Commerce office, 35 S. School Street Lodi, CA 95240.
- 6.) There are to be **NO BEVERAGE SALES IN YOUR BOOTH. FOOD ITEMS MUST BE PRE-PACKAGED AND PRE-APPROVED FOR SALES. THIS APPLICATION IS NOT FOR OTHER FOOD VENDING.**
- 7.) The Lodi Chamber sells all drinks. No free face painting is allowed. Vendors are **NOT** permitted to solicit or sell outside of their booth(s). Vendors must stay within their assigned space and no one is to put anything in the tree wells. All vendors **MUST** keep the sidewalk clear and not block entrances of businesses.
- 8.) **No** animals are allowed! No electricity is available and generators are not permitted. No silly string is to be used or sold at this event.
- 9.) Vendors must supply their own awnings, tables, display boards, etc. and must keep within their spaces(s). The Chamber only provides the space.

Although the organizers of the Lodi Street Faire attempt to place the Antique Vendors on School Street, the Arts and Crafts on Church Street and the commercial vendors on the cross streets. Exceptions are made and no refund will be issued for that reason. The Street Faire organizers will do what they can, not to mix vendor types but make no promises not to do so.

We also accommodate those multiple vendors such as Sunglasses, Candles and other items that have many vendors. We can't put them all in commercial and it is not our policy to turn them away, we just spread them out. You will see them throughout the Faire.

Vendors who register late may also be put in a mixed area depending on the number of spaces available. **Vendors will not be allowed to move the day of the event, those requesting to do so will be asked not to return.** Our staff is made up of volunteers and it is far too difficult to be moving vendors the morning of the event. Those requesting to move will be asked not to return to the Lodi Street Faire. No exceptions.

I acknowledge that I have read and agree to the rules and regulations.

Signature _____ Date _____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving the Joint Use Agreement Between the Lodi Unified School District and the City of Lodi for Reciprocal Use of Facilities for the Term of July 1, 2010 through June 30, 2020 (PR)

MEETING DATE: November 17, 2010

PREPARED BY: Interim Parks and Recreation Director

RECOMMENDED ACTION: Adopt resolution approving the Joint Use Agreement between the Lodi Unified School District and the City of Lodi for reciprocal use of facilities for the term of July 1, 2010 through June 30, 2020.

BACKGROUND INFORMATION: The City and Lodi Unified School District have a long history of using each others recreational facilities to benefit the community's recreational needs, from exercise programs to competitive athletics. This relationship was first formalized with a Joint Use Agreement adopted on April 19, 1969.

The current Joint Use Agreement between LUSD and the City of Lodi expired June 30, 2009. Both entities continue to operate under the former agreement until a new agreement is approved. Attached for Council approval is the proposed agreement that would be in effect through June 30, 2020.

Comments and suggestions provided by the City Council at the Shirtsleeve Session of August 10, 2010, regarding the Joint Use Agreement are incorporated in the attached draft.

FISCAL IMPACT: \$60,000 annual credit to the LUSD and \$60,000 in annual use to the Parks and Recreation Department for a net zero sum impact.

FUNDING AVAILABLE: Not applicable.

James M. Rodems
Interim Parks and Recreation Director

cc: City Attorney

APPROVED: _____
Konradt Bartlam, Interim City Manager

AGREEMENT FOR RECIPROCAL USE OF PUBLIC FACILITIES

LODI UNIFIED SCHOOL DISTRICT AND CITY OF LODI

THIS AGREEMENT ("Agreement"), entered into this ____ day of _____, 2010, and effective as of _____, 2010 (the "Effective Date"), is by and between the City of Lodi ("City") and the Lodi Unified School District ("District").

WITNESSETH:

WHEREAS, District and City have a mutual interest in providing adequate and attractive public facilities for education and recreation for the residents of Lodi and its environs; and

WHEREAS, both District and City have certain physical facilities, including pools, parks, stadiums, gymnasiums, indoor meeting rooms, play areas, and athletic fields, which may be beneficially used by the other in a comprehensive program of serving the community; and

WHEREAS, District and City have in the past executed a series of agreements for the mutual benefit and use of facilities and services; and

WHEREAS, District and City desire to consolidate and incorporate provisions for the joint use of those facilities into a master agreement.

NOW, THEREFORE, in consideration of the mutual agreements herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

I.

PREVIOUS AGREEMENTS SUPERSEDED

Prior joint use agreements between the City and the District concerning recreational facilities are superseded in their entirety.

II.

FACILITIES INCLUDED IN THIS AGREEMENT

A. Unless otherwise specified, this Agreement covers the following City facilities:

Zupo field; Kofu Park; Softball Complex, Chapman Field; Blakely Park; Lodi Grape Bowl; Blakely Field/Enze Swim Complex; Lodi Lake Park; Salas Park; and Peterson Park.

B. Unless otherwise specified, this Agreement covers the following District facilities:

Tokay High School Pool; Lodi High School Pool; and all school athletic fields and school indoor facilities within the City of Lodi and the surrounding rural areas (Woodbridge, Lockeford, Houston, Victor, Henderson, and Tokay Colony).

C. Facilities not covered by this Agreement:

1. District-owned facilities not specifically covered by this Agreement are subject to use pursuant to the terms of the District's facilities use policy, and must be requested using the District's "Request for Use of Facilities" form. Provisions of this Agreement do not extend to those facilities. However, to the extent a City Use would not conflict with a District Use or undermine the District's budgeted revenue projection for the facility, the District may authorize, in its sole discretion, the occasional use of facilities not covered by this Agreement.
2. City-owned facilities not specifically covered by this Agreement are subject to use pursuant to the applicable provisions of City Ordinance, and/or policy, and the terms of the "Application for Use of City of Lodi Parks and Recreation Facilities". Provisions of this Agreement do not extend to those facilities. However, to the extent a District Use would not conflict with a City Use or undermine the City's budgeted revenue projection for the facility, the City may authorize, in its sole discretion, the occasional use of facilities not covered by this Agreement.

III. SCHEDULING

A. Scheduling Authorization

1. All scheduling for facilities under the provisions of this Agreement must be done by, and with the approval of, the Authorized Representative.
 - a. The Authorized Representative for the City of Lodi is the City Manager, the Parks and Recreation Director, or their designee.
 - b. The Authorized Representative for school-related activities and school sites (including field use) is the Superintendent, the Assistant Superintendent, Facilities and Planning, or their designee. All final scheduling approvals shall be at the Facilities and Planning level or above. Scheduling of District Facilities shall not be performed at the Site Administrator level.
2. All requests for facilities are to be submitted on the appropriate form(s) and must be signed by the Authorized Representative.

3. Unless a different priority is agreed to by the parties in writing for a particular facility that is subject to this Agreement, the priority of use for scheduling purposes shall be as follows:

- a. District Facilities:
 - i. District Use
 - ii. City Use
 - iii. Community Use
- b. City Facilities:
 - i. City Use
 - ii. District Use
 - iii. Community Use
- c. As used in this paragraph "District Use" means the District's educational program and related school activities but shall not include third party rentals that are unrelated to the District's educational program, unless District has already entered a contract to rent the facility to a third party prior to the City's request for the use.. As used in this paragraph, "City Use" means City's municipal functions but shall not include third party rentals that are unrelated to City's municipal functions unless the City has already entered a contract to rent the facility to a third party prior to the Districts request for the use.

B. Advanced Scheduling

1. Events which require advanced scheduling, such as meets or tournaments, may be scheduled up to one (1) year in advance.
2. Requests for advanced reservations by the City or District will be confirmed or denied by the Authorized Representative within fifteen (15) working days of submittal.
 - a. All denials must include the reason(s) for denial.
 - b. If disagreements over proposed fees or charges, or use provisions, are not resolved within the fifteen (15) day period, the use shall be deemed denied unless the period is extended by mutual consent.

C. Scheduling During the Regular School Year

1. Swimming Pools (Blakely/Enze, Tokay High, Lodi High)
 - a. The Authorized Representatives of the District and City shall meet in January of each year to coordinate and confirm the year's schedule of uses, reservation forms, event contact persons, location/procedure for filing

the reservation forms, and to establish procedures for notifying users of emergency closure(s).

- b. District pools are available when they are not being used for District purposes.
 - i. The Tokay High School Pool and Lodi High School Pool may be closed at District discretion following each school's last scheduled use (usually in November). The District will make every effort to close the pools for winter maintenance on a rotating basis.
 - ii. Ninety (90) days prior to the anticipated closure, of the Tokay High School Pool and the Lodi High School Pool, the District will notify the Parks and Recreation Department to allow for coordination with the City's aquatics program. Except for extraordinary circumstances, the District will not close more than one of its pools at a time.
- c. City pools are not available for scheduled District use during June, July and August, except for single events upon request by the District and approval by the City's Authorized Representative.
- d. The Tokay High School Pool will be available to the City for community swimming as outlined in Section 4 Paragraph E of this Agreement.
- e. City or District pools will be closed immediately by authorized staff if there are any health or safety concerns, or if the water quality falls below acceptable minimum standards as defined by the San Joaquin Public Health Services, and/or any regulating State agency, and shall remain closed until use is authorized by the appropriate health agency.
- f. In the event of a closure of a District or City pool, the Authorized Representatives will be notified of the closure immediately. Every attempt shall be made to accommodate alternative scheduling of events, or a rescheduling of canceled events.

2. Lodi Grape Bowl

- a. Subject only to first priority City Uses, the District shall have preferential use of the Lodi Grape Bowl for football games and graduation events, except when preempted by the Lodi Grape Festival and National Wine Show (generally in mid-September of each year).
 - i. District shall provide to the City a schedule of District football games and related events no later than May 1 preceding the season for which the schedule applies.

- ii. District shall provide the City with the schedule for graduation events not later than four (4) months preceding the graduation (generally February 1 for events occurring the last week of May/first week of June).
 - b. District acknowledges that the Lodi Grape Bowl is being brought up to ADA standards over time pursuant to a City Council-approved ADA transition plan and accepts the use of the Lodi Grape Bowl in the state that it is in at the time of use. Currently there are no restrooms or snack bar facilities at the Lodi Grape Bowl and users are required to provide for their own concessions at their own cost. The Parks and Recreation Department will provide portable restroom facilities until new permanent structures are built. To the extent the District provides portable restrooms or concessions facilities, District shall comply with ADA requirements for such temporary facilities at District's expense.
3. Athletic Fields, Complexes, Indoor Facilities
- a. All fields, both City and District, that are to be used for seasonal play must be scheduled sixty (60) days prior to the start of the season, using the appropriate forms of each jurisdiction and submitted to each party's Authorized Representative.
 - b. All requests are to be confirmed or denied within fifteen (15) working days of the submittal of the request.
 - c. All athletic fields (both City and District) are subject to closure when the fields are wet to the extent that team use could result in significant damage to the fields.
 - i. This is to be determined by the City's Parks Director or Superintendent for City facilities, and the District's Director, Maintenance & Operations for District facilities.
 - ii. Rain call procedures for fields are to be mutually agreed upon at the start of each season, or when the facilities use form is approved if it is for singular events.
 - d. In the event that an extraordinary circumstance necessitates the closure of a City or District field, complex, or indoor facility, the user's Authorized Representative shall be notified as soon as possible. It is that person's responsibility to notify all other affected parties.
 - i. Whenever possible, weather disrupted events shall be relocated to other facilities in-lieu of cancellation.

- ii. Every attempt shall be made to accommodate a rescheduling of cancelled activities.
4. If disagreements over proposed fees or charges, or use provisions, are not resolved within the designated period for approval or denial of the request for use as provided in Section III Paragraph B of the Agreement, the use shall be deemed denied unless the time period is extended by mutual consent.
5. Neither the City nor the District shall unilaterally cancel a previously scheduled event unless the facility could not be used by either party due to maintenance, weather, act of God or legal reasons. If a previously scheduled event is unilaterally canceled for any reason, the canceling party shall give notice to the Authorized Representative of the other party of the closure within eight (8) hours of the events necessitating closure. The canceling party shall also offer any available replacement facility that is suitable for the operation of the event.

IV. OPERATIONS

- A. If a party's "In Kind Match" account is debited because the facility owner requires its staff to be onsite as a condition of using its facility, the facility owner's assigned personnel shall be readily available at all times they are on-duty to provide operational, maintenance and emergency assistance to the using party.
- B. Food and Beverage Concessions
 1. User and/or associated organizations may operate food and/or beverage concessions during scheduled events under the following criteria:
 - a. If food and beverages are permitted in the facility; and
 - b. When there are no other proprietary or exclusionary agreements for concessions at the facility.
 2. If food concessions are to be a part of the event, it should be so noted on the facilities use form and must be approved by the facility owner.
 3. During such events, user and/or associated organizations shall have an exclusive right to operate the concession stands and to the sale proceeds.
 4. User may assign the right to operate the concession stand(s) only as agreed to by the owner of the facility.

5. Exclusive Product Contracts

- a. If a facility is covered under an exclusive product contract, the user shall abide by the provisions of the contract.
 - b. It is the responsibility of the user to obtain a copy of any pertinent contract provisions from the facility owner. The user's signature on the facilities use form shall constitute understanding and acceptance of the provisions.
 - c. It is the responsibility of the user to inform all affiliated users of the contract provisions and to monitor compliance.
6. All concession stands or areas used for concession are to be completely vacated at the conclusion of the event, and are to be left in a clean and usable condition.
 7. All concessions must meet Department of Health Services standards and requirements.
 8. Concessions may remain for the duration of the event unless other arrangements are agreed upon at the time that the facilities use form is approved; however, they are the sole responsibility of the user.

C. Security

1. Either party may require the other to provide security for events at a facility. Security costs shall be paid by the user and not debited against the "In Kind Match" account set forth in Section V Paragraph A-1.

D. Lodi Grape Bowl

1. City agrees to staff the Lodi Grape Bowl with appropriate maintenance/standby personnel to coordinate and operate the facility when it is being used by District, and such costs shall be debited to the District's In-Kind Match account.
2. District shall furnish all security and event personnel, as required by the City, at District's expense.
3. A District administrator and/or a school athletic director shall be present during school or District events.

E. Tokay High School Pool Community Pool Program

1. District shall make the Tokay High School Pool available to the City for the operation of a Summer Community Pool Program. The use of swimming pool facility shall be in accordance with the regular procedures of the District in granting permits for use of school facilities as provided for by the laws of California and the rules and regulations of the District Board of Education.
2. A schedule of dates for the use of the swimming pool facility will be arranged in advance by City and District and that this schedule will be arranged to avoid conflict between school and recreation use. In scheduling of the use of the swimming pool facility, school events and programs shall have first priority, recreation programs shall have second priority, and any other events by other groups or agencies shall have third priority; provided, however, the contracts to use the swimming pool facility that District entered into with third parties prior to entering into this Agreement shall also have first priority. The Assistant Superintendent, Facilities and Planning, or his designee, shall make every effort to notify the City Director of Parks and Recreation, or his designee, of school needs which pre-empt scheduled City recreational activities and will advise in the planning and administering of a recreation program to be conducted by the City at the swimming pool complex.
3. School properties and facilities are intended primarily for school purposes and for the benefit of children of school age. It is therefore agreed that, in planning programs and scheduling activities on school grounds, the recreational needs and opportunities of such children will be well provided for and adequately protected by both parties hereto.
4. In the event of any dispute or difference arising between the parties hereto as to the use of the swimming pool facility, then, in that event, resolution of said dispute or difference shall be first discussed and negotiated between the City Director of Parks and Recreation and the Principal of Tokay High School; further negotiation, if required, shall be settled by the City Council and the District Governing Board.
5. Any and all revenues derived by either party in the use and operation of said swimming pool during their respective periods of use shall be retained by the party.
6. A facility use schedule will be submitted to the District by the City no later than March 1st of each year, with the expectation that the City's contracted pool use will begin during the first week of June and continue through the last week of July, with possible weekend use during the month of August. This schedule is subject to amendment based on changes to the District's school-year calendar.

7. District agrees to staff the Tokay High School Pool with appropriate maintenance/standby personnel to coordinate and operate the facility when it is being used by City, and such costs shall be debited to the City's In-Kind Match account.
8. City shall furnish all security and event personnel, as required by the District, at City's expense.
9. A City program administrator or other responsible personnel shall be present during City Use or events.

F. Athletic Fields, Complexes, and Indoor Facilities

1. Each owner will staff its facility with the appropriate maintenance/standby personnel to coordinate and operate the facility, and all costs for such personnel shall be charged against the user's "In Kind Match" account.
2. Users will monitor the facilities during their use, and shall maintain all facilities in a safe and clean condition.
3. Each party shall be responsible to maintain and repair their respective facilities. However, the user shall be responsible for janitorial maintenance at the conclusion of each use and for damage caused during each use as provided in Section VII(C) of this Agreement.

**V.
FEES AND CHARGES**

A. "In Kind Match" Account and Payment

1. Both parties shall start each fiscal year with a paper account containing a \$60,000 credit ("In Kind Match" account.) Each party's In Kind Match account will be debited by the amount of the fees and charges incurred as a result of using the other party's facilities. No fees or charges will be paid by either user until after their In Kind Match account is drawn down to zero. Once the credit in the "In Kind Match" account is zero, the overdrawn party will pay all fees and charges that it incurs for the use of the other party's facilities during the remainder of the fiscal year. Prior to the start of each fiscal year, the Authorized Representatives from both parties shall meet to establish fee and charge rates ("Master Rate Schedule") for all facilities covered by this Agreement. All fees and charges charged to the "In Kind Match" account, and all fees and charges in excess of the "In Kind Match" account shall be charged at the "Master Rate Schedule."

2. Each party will exchange reports on a quarterly basis, or as agreed upon by their Authorized Representative, which shall detail facility usage including dates of use, names of users, facilities used, and fees associated with the usage. The reports, to be done by the 15th of the month following the end of the quarter, will include total fees for the year-to-date.
 3. The Authorized Representatives for each party shall meet at the beginning of each fiscal year to determine whether the amount of the "In Kind Match" is equitable for both parties. In the event that either party is obtaining less than seventy-five percent (75%) of the value of the "In Kind Match" credit that the other party is receiving, the parties shall reopen negotiations to reestablish a new "In Kind Match" amount for the remaining term of this Agreement.
- B. The initial Master Rate Schedule is to be established by mutual agreement of both parties.
1. All potential fees, charges, or costs, except the security as set for in Section IV Paragraph C-1, are to be included in the Master Rate Schedule.
 2. At the time a facility is scheduled, the user shall be advised of all applicable and potential fees or costs.
 - a. These are to be noted on the facilities use form.
 - b. All cost notations on the facilities use form(s) are to be initialed by the user's Authorized Representative.
 - c. Disagreement with proposed charge items must be resolved between the parties prior to final approval of the facilities use form. Final authority for charge items rests with the owner.
 3. The District's fees and charges to be included in the Master Rate Schedule will be established by the District pursuant to statute and applicable Board policy.
 4. The City's fees and charges to be included in the Master Rate Schedule will be established by the City pursuant to statute and applicable City ordinances and/or policies.
 5. Facility use charges may be adjusted annually by each party based on actual and/or projected costs.
 6. Adjustments to facility use fees and charges shall be effective at the beginning of each fiscal year (July 1).

7. Staffing charges are to be based on the regular hourly rate then being charged at the time of the use of the facility. Overtime charges are to be applied as required by statute and any applicable employee contracts.
- C. All requested services that are outside beyond the scope of this Agreement are to be assessed and billed pursuant to the provisions of District and/or City policy and/or ordinance. To the maximum extent possible, the cost for these services shall be mutually agreed-upon prior to the costs being incurred.
- D. Damage to Facilities
1. When damage (other than normal wear and tear) to a facility or field does occur, the owner of the facility or field will notify the user immediately.
 2. Representatives of both parties, and insurance agency representatives if appropriate, will evaluate and review the damages, preferably together, to assess necessary mitigation, appropriate cost, scheduled repair, and final work product.
 3. The user will be immediately responsible for costs incurred to repair the damaged property. Such damages will not be charged against the "In Kind Match" account set forth in Section V Paragraph A but shall, instead, be paid immediately to the facility owner.

VI. AMENDMENT TO AGREEMENT

- A. This Agreement may be amended at any time by agreement of both parties.
- B. This Agreement shall be amended if it is determined that there is an ongoing use of one or more facilities not covered by this Agreement, or there are use or fee provisions which can best be addressed through mutual agreement, or upon the mutual agreement of the parties.

VII. HOLD HARMLESS

- A. The City shall defend, indemnify, and hold the District, its officers, employees, and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the breach of this Agreement or the negligent or intentional acts or omissions of the City, its officers, agents or employees.

The District shall defend, indemnify, and hold the City, its officers, employees, and agents, harmless from and against any and all liability, loss, expense, attorneys' fees or claims for injury or damages, arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury are caused by or result from the breach of this Agreement or the negligent or intentional acts or omissions of the District, its officers, agents or employees.

- B. Each party hereto is charged with the duty to inspect for apparent defects prior to the use of any facilities demised hereunder, and to provide appropriate notification to the owner. The facility owner will have the option to close the facility upon receipt of notice of the defect as provided in Section III Paragraph C-5 of this Agreement.
- C. During any use of any facility demised hereunder, the user shall be liable to the owner for any damage to such property caused by the user, or third parties at the invitation or suffrage of the party using the property, normal wear and tear excepted.
- D. The prevailing party in any dispute arising under this Agreement shall be entitled to reasonable attorneys' fees incurred in the litigation or adjudication of such disputes.

VIII. INSURANCE

- A. During the term of this Agreement, each party shall maintain a Memorandum of Coverage from a joint powers risk pool or provide insurance coverage, as herein provided. Each party's respective insurance shall have a minimum per occurrence limit of \$25 million and a maximum self-insured retention of \$500,000. Each party shall issue an additional insured endorsement covering the other party for the value of the issuing party's self-insured retention out the issuing party's liability reserve. The insurance policies shall protect the facility owner from claims for damages for personal injury, including accidental death; and, claims for property damages which may arise from the facility user's operations under this Agreement, whether such operations are by the facility user, its invitees, its subcontractors, or by anyone directly or indirectly employed by the facility user. A copy of a party's certificate of insurance with the following endorsements shall be furnished to the other party:
 - 1. The City or District, as appropriate, and their respective elected and appointed boards, commissions, officers, agents and employees shall be named as additional insured under the aforementioned insurance policies.
 - 2. Such insurance as is afforded by the endorsement for the additional insureds shall serve as the primary insurance. Any other insurance maintained by the facility owner or its officers and employees shall be excess only, and shall not contribute to the coverage afforded by the primary insurance.

3. A party cannot cancel its policy or change coverage without providing thirty (30) days' prior written notice to the other party, addressed as follows: to the City Risk Manager, City of Lodi, P.O. Box 3006, Lodi, CA 95241, and to the Chief Business Officer, Lodi Unified School District, 1305 E. Vine Street. Lodi, CA 95240.
4. The parties agree that any insurance coverage provided by this Agreement shall provide for a claims period following termination of coverage which is at least consistent with the claims period or statutes of limitations found in the California Tort Claims Act (California Government Code Section 810, et seq.). Any "claims made" coverage requiring the insureds to give notice of any potential liability during a time period that is shorter than that found in the Tort Claims Act shall be unacceptable.
5. Each party shall maintain, during the term of this Agreement, worker's compensation insurance as required by law for all of its employees.

IX. TERM OF AGREEMENT

- A. The term of this Agreement shall be for a period of ten (10) years, starting July 1, 2010 and ending June 30, 2020, with an annual review by the City Council and the District's Board of Education.
- B. All fees, charges, or other specifics requiring periodic review and/or modification, are to be considered within the herein described timeframes.
- C. This Agreement may be canceled at any time by either party, by giving to the other party six (6) months prior written notice, or by the mutual consent of the parties. This Agreement may also be terminated on three (3) months notice by either party in the event that either party unilaterally and without cause as provided in Section III Paragraph 5 of this Agreement cancels a previously approved reservation more than ten (10) times in a one year period.

X. MISCELLANEOUS PROVISIONS

A. Modifications

No modification of this Agreement shall be valid unless said modification is in writing and signed by both parties and approved by their respective Board and Council.

B. Attorneys' Fees

If either of the parties hereto brings any action or proceeding against the other, including but not limited to, an action to enforce or to declare the termination, cancellation or revision of the Agreement, the prevailing party in such action or proceedings shall be entitled to receive from the other party all reasonable attorneys' fees and costs, incurred in connection therewith. In the event either party shall initiate any suit, action, or appeal on any matter related to this Agreement, then the court before whom such suit, action, or appeal is taken shall award to the prevailing party such attorneys' fees as the court shall deem reasonable, and such award and all allowable costs of the event may be either added to or deducted from the balance due under this Agreement or be a separate obligation as appropriate.

C. Severability

If any provision or any portion of any provision of this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion hereof, shall be deemed severable and shall not be affected, but shall remain in full force and effect.

D. Integrated Agreement

This writing contains the entire agreement between the parties and all prior or contemporaneous agreements, understandings or discussions relative to this agreement are hereby superseded.

E. Jurisdiction and Venue

This Agreement shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in San Joaquin County, California.

F. Notices

All written notices required pursuant to this Agreement shall be delivered to: City Clerk Manager, City Hall, P.O. Box 3006, 221 West Pine Street, Lodi, CA 95241 with a copy to Parks and Recreation Director, _____; and Superintendent, Lodi Unified School District, 1305 E. Vine Street, Lodi, CA 95240, with a copy to the Assistant Superintendent, Facilities & Planning.

G. Governing Law

This Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of California, without reference to its choice of law rules or principles.

H. Successors and Assigns

This Agreement shall be binding upon the parties and their respective successors and assigns, and shall inure to the benefit of the parties hereto and their respective successors and assigns.

I. Counterparts

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute one instrument.

J. Survival

Any provisions of this Agreement that would impose continuing obligations upon a party or, by their nature or terms, would be reasonably understood to have been intended to survive and continue in force and effect after expiration, termination, or cancellation of this Agreement, shall remain in full force and effect.

K. Assignment

The parties shall not assign this Agreement without the prior consent of the other party hereto, and any attempt to do so shall be void and have no effect.

L. Parties in Interest

Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties to it and their respective successors and assigns; nothing in this Agreement is intended to relieve or discharge the obligations or liability of any third persons to any party to this Agreement; and no provision of this Agreement gives any third person any right of subrogation or action against any party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first hereinabove mentioned.

CITY OF LODI,
a municipal corporation

LODI UNIFIED SCHOOL DISTRICT,
a political subdivision of the State of California

By _____
Rad Bartlam, Interim City Manager

By _____
Cathy Nichols-Washer, Superintendent

Attest:

Attest:

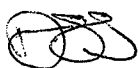
Randi Johl, City Clerk

Clerk of the Board of Education

Approved as to Form:

Approved as to Form:

D. Stephen Schwabauer
City Attorney



Counsel to the District

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE JOINT USE AGREEMENT
BETWEEN THE LODI UNIFIED SCHOOL DISTRICT AND
THE CITY OF LODI FOR RECIPROCAL USE OF
FACILITIES FOR THE TERM OF JULY 1, 2010
THROUGH JUNE 30, 2020

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorizes the Joint Use Agreement between the Lodi Unified School District and the City of Lodi for reciprocal use of facilities for the term of July 1, 2010 through June 30, 2020 with an annual limit of \$30,000.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Purchase Order with West Coast Arborists, Inc., for the Phased Removal and Replacement of 39 Raywood Ash Trees on Lower Sacramento Road between Elm Street and Tejon Street and Appropriating Funds (\$17,275)

MEETING DATE: November 17, 2010

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute purchase order with West Coast Arborists, Inc., for the phased removal and replacement of 39 Raywood Ash trees on Lower Sacramento Road between Elm Street and Tejon Street and appropriating funds in the amount of \$17,275.

BACKGROUND INFORMATION: Trees are a benefit to the urban environment. As a result, the City removes trees only when they become a significant liability to the infrastructure or compromise public safety.

The existing Raywood Ash trees (Exhibit A), planted in approximately 1988, have extremely invasive root systems. They have caused extensive damage to the surfaces on Lower Sacramento Road, the adjacent frontage road, and are threatening a deep wastewater main in Lower Sacramento Road (see attached photos, Exhibit B). The trees have already necessitated the installation of a new sewer line in the adjacent frontage road at a cost of approximately \$100,000; and repairing the current damage to the rubberized pavement on Lower Sacramento Road could be substantial if removal and replacement of the existing asphalt is required. Because of the species' invasive nature, Raywood Ash is no longer an approved species for City planting.

At the June 2, 2010 meeting, City Council directed staff to evaluate alternative methods and to coordinate this effort with Tree Lodi. Consultation with Tree Lodi yielded various alternatives, including the installation of root barrier, tree removal, and phased removal of the trees. Arborists from West Coast Arborists, Inc. (WCA) and Tree Lodi agreed installing a root barrier was not a preferred option since it would be a temporary solution and the price exceeded \$35,000 (twice the amount of removal and replacement). All did agree that removal was the only way to permanently deal with the invasive nature of these trees.

In the attached letter (Exhibit C), Tree Lodi suggested a phased removal and planting program. This involves removing and replacing about every other tree at first, followed by removing and replacing the others a year later. This allows the new trees to become established before removing the remaining trees. This approach is intended to soften the visual impact to those residents living in the area. Staff will also follow Tree Lodi's suggestions for replacement trees that are Podocarpus 'gracilior' and Acer rubrum 'bowhall'.

APPROVED: _____
Konradt Bartlam, Interim City Manager

Adopt Resolution Authorizing City Manager to Execute Purchase Order with West Coast Arborists, Inc.,
for the Phased Removal and Replacement of 39 Raywood Ash Trees on Lower Sacramento Road
between Elm Street and Tejon Street and Appropriating Funds (\$17,275)

November 17, 2010

Page 2

Staff recommends Council authorize the City Manager execute a purchase order with WCA in the amount of \$17,275 for the phased removal and replacement of 39 Raywood Ash trees on Lower Sacramento Road between Elm Street and Tejon Street. WCA has an existing contract with the City, and tree removal was an optional bid item on the contract. The second phase would be completed by December 2011.

FISCAL IMPACT: Removal will help mitigate future damage to pavement and underground utilities from the invasive roots of these trees savings thousands of dollars.

FUNDING AVAILABLE: Requested Appropriation:
2010/11 Streets and Drainage (320013): \$8,637.50
Wastewater (171013): \$8,637.50
Total: \$17,275.00

Jordan Ayers
Deputy City Manager/Internal Services Director

F. Wally Sandelin
Public Works Director

Prepared by Curtis Juran, Street and Drainage Superintendent

FWS/CES/CJJ/dsg

Attachments

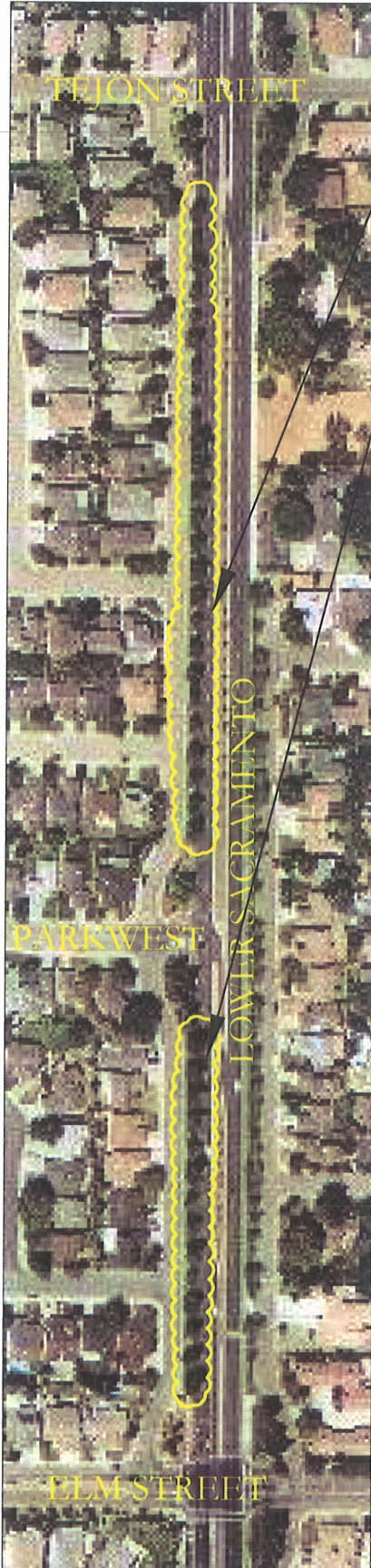
cc: Charlie Swimley, Deputy Public Works Director – Utilities
Curtis Juran, Streets and Drainage Superintendent



CITY OF LODI

PUBLIC WORKS DEPARTMENT

LOWER SACRAMENTO FRONTAGE ROAD TREE REMOVAL



THIRTY-NINE (39) RAYWOOD ASH
TREES TO BE REMOVED

DIAMETER OF TREES TO BE
REMOVED (IN INCHES)

13
10
13
10
10
11
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7
8
19
16
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CITY OF LODI

PUBLIC WORKS DEPARTMENT

LOWER SACRAMENTO ROAD RAYWOOD ASH TREES STREET VIEW OF TREES TO BE REMOVED



STREET VIEW OF TREES TO BE REMOVED.

EXHIBIT B



CITY OF LODI

PUBLIC WORKS DEPARTMENT

LOWER SACRAMENTO ROAD RAYWOOD ASH TREES DAMAGE



Damage to street, curb and gutter.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

LOWER SACRAMENTO ROAD RAYWOOD ASH TREES DAMAGE



Damage to street, curb and gutter.



MEMORANDUM

TO: Lodi City Council:

SUBJECT: Raywood Ash Tree Removal on Lower Sacramento Road

Gordon Schmierer
President

Steve Dutra
Vice President

Joyce Harmon
Secretary

Ron Marien
Treasurer

GROUP MEETING: The following representatives met September 13, 2010, to discuss remedies for the infrastructure damage caused by ash trees:

- Charlie Swimley, City of Lodi, Deputy Public Works Director;
- Kurt Juran, City of Lodi, Public Works Dept., Street Superintendent;
- Steve Dutra, City of Lodi, Parks Superintendent, Parks & Recreation Dept.;
- William Hobson, Tree Lodi Director

Directors

Richard Blackston

Andi Kutlik

Bill Hobson

Bruce Schweigerdt

LOCATION: The problem trees are along the west side planting area of Lower Sacramento Road between Tejon Street and Elm Street

PROBLEM: The Raywood Ash trees are too large for the area in which they are located. Their large, shallow and vigorous root systems have caused curb, gutter, asphalt and sewer damage. As these trees enlarge, they will continue to cause infrastructure damage.

Stewards

Mike Butcher

Darrell Drummond

Gerry Fish

Ray Fye

Derric Juano

Esther Milnes

Nancy Nakamura

Robert Raingruber

Vern Weigum

RECOMMENDATIONS: Tree Lodi recommends removing about half the trees in the first year, perhaps the most damaging ones first, then replant about half. Wait one or two years to establish the new trees, then remove the remaining trees and replant. This removal and replanting sequence would minimize 'removal shock' and the loss of screen for the neighborhood.

REPLACEMENT TREES: The recommended replacement tree size is 24-inch box or 15 gallon container. The following types of trees are recommended for this area: 1. Fern Pine, *Podocarpus gracilior*, an evergreen, 2. Bowhall Maple, *Acer rubrum* 'Bowhall', 15 ft. wide, deciduous, 3. Parkway Maple, *Acer platanoide* 'Parkway', 25 ft. wide, deciduous

We at TREE LODI thank you for the opportunity to share this information with you.

Gordon Schmierer, President

Tree Lodi, Inc., 2715 W. Kettleman Lane, Ste 203-126, Lodi, CA 95242

www.TreeLodi.org

All gifts are tax deductible. Tree Lodi is a 501 (c)(3) organization. Tax ID #2810577

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING CITY
MANAGER TO EXECUTE PURCHASE ORDER WITH WEST COAST
ARBORISTS, INC., FOR PHASED REMOVAL AND REPLACEMENT
OF 39 RAYWOOD ASH TREES ON LOWER SACRAMENTO ROAD
BETWEEN ELM STREET AND TEJON STREET AND FURTHER
APPROPRIATING FUNDS

=====

WHEREAS, the existing Raywood Ash trees, planted in approximately 1988, have extremely invasive root systems that have caused extensive damage to the surfaces on Lower Sacramento Road, the adjacent frontage road, and are threatening a deep wastewater main in Lower Sacramento Road. The trees have necessitated the installation of a new sewer line in the adjacent frontage road at a cost of approximately \$100,000; and repairing the current damage to the rubberized pavement on Lower Sacramento Road could be substantial if removal and replacement of the existing asphalt is required; and

WHEREAS, at the June 2, 2010 meeting, Council directed staff to evaluate alternative methods and to coordinate this effort with Tree Lodi; and

WHEREAS, Tree Lodi suggested a phased removal and planting program, which involves removing and replacing about every other tree at first, followed by removing and replacing the others a year or two later. This allows the new trees to become established before removing the remaining trees. This approach is intended to soften the visual impact to those residents living in the area. In addition, Tree Lodi suggested the replacement species include Podocarpus gracilior and Acer rubrum "bowhall"; and

WHEREAS, West Coast Arborists, Inc., has an existing contract with the City, and tree removal was an optional bid item on the contract.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a purchase order with West Coast Arborists, Inc., of Stockton, in the amount of \$17,275, for the phased removal and replacement of 39 Raywood Ash trees on Lower Sacramento Road, between Elm Street and Tejon Street; and

BE IT FURTHER RESOLVED that funds in the amount of \$17,275 be appropriated from the Streets and Drainage and Wastewater Funds for this project.

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Select Project Nominations for San Joaquin Council of Governments' One Voice Trip

MEETING DATE: November 17, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Select project nominations for the San Joaquin Council of Governments' One Voice trip.

BACKGROUND INFORMATION: The San Joaquin Council of Governments (SJCOG) is again developing regional priorities in preparation for the annual "One Voice" lobbying trip to Washington, D.C., in April 2011. The One Voice trip is an opportunity for all jurisdictions in the county to work cooperatively to secure federal funds. There is no guarantee of success, and the One Voice trip is only one of several ways in which the City lobbies to fund needed projects.

SJCOG again invited the City to submit two projects for consideration: One regional transportation project and one local project, transportation or otherwise. The grant request is limited to \$5 million, as noted in the COG evaluation criteria checklist.

City staff recommends submitting two projects to SJCOG with a history of endorsements by the City Council: the Lodi Lake Park Nature Area Protection Project and improvements to Harney Lane. The Lodi Lake project was the City's top priority the past two years, and funding for Harney Lane improvements has been requested the past three years. This year's Harney Lane request is focused on obtaining funding for a grade separation project at the Union Pacific Railroad tracks.

The City Council is well aware of the eroding riverbank in the Nature Area near Pigs Lake. This year's request has a different twist and is based on feedback received in connection with the City's unsuccessful application to repair the riverbank with Proposition 84 bond proceeds. The state Resources Agency, which manages the Proposition 84 parks programs, said the City's solution of hardening the riverbank with rock was not an environmentally sensitive repair. Instead, the grant reviewers recommended building a berm trail on the southern and western edge of Pigs Lake and letting the riverbank fail. In that case, the berm would protect the low-lying areas of the Nature Area from flooding and Pigs Lake would become a seasonal inlet (depending upon river levels), serving as a place for aquatic species to rest while migrating.

A preliminary estimate of this alternative's cost is \$1,983,600, with most of it (\$1,528,000) based on placing and compacting 19,100 square yards of fill for a 1,085-foot berm. Plant material is estimated to cost \$125,000 with a 20-percent (\$330,600) contingency factored into this rough estimate.

APPROVED: _____
Konradt Bartlam, Interim City Manager

While this revision does result in the surrender of some of the riverbank, it is a more environmentally palatable project to entities such as the Resources Agency that control grant funds, and fewer permits would be required.

For the regional transportation project nomination, staff recommends the grade separation at the Union Pacific Railroad tracks. This project is estimated to cost approximately \$20 million. On June 17, 2009, the City Council voted in favor of making Harney Lane its priority for Measure K railroad grade separation funding. With new development and projected growth in the region, Harney Lane will become an increasingly important east-west corridor for the City.

Motorists are currently subject to approximately 680 minutes of vehicle delay each day due to trains on Harney Lane, and anticipated development will only increase this in the future, resulting in a greater potential for accidents. A grade separation will provide safe community access for all modes to transportation to nearby commercial centers and schools. Public safety will also be enhanced through improved response times for emergency vehicles, and vehicle emissions will be reduced as motorists can avoid delays waiting for trains to pass.

FISCAL IMPACT: Award of funding for the Lodi Lake Park Nature Area Protection Project would protect the General Fund from being used to pay for future emergency repairs; award of funding for the Harney Lane grade separation would free transportation funds for other needed projects.

FUNDING AVAILABLE: Not applicable.

Konradt Bartlam
Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving Job Description, Salary Range and Reclassification for the position of Supervising Customer Service Representative

MEETING DATE: November 17, 2010

SUBMITTED BY: Human Resources Manager

RECOMMENDED ACTION: Adopt resolution approving job description, salary range and reclassification for the position of Supervising Customer Service Representative.

BACKGROUND INFORMATION: Over the past year, the City has embarked on an ambitious campaign to systematically update all City job descriptions so that they are reflective of each employee's assigned job duties. In very few instances, this review has identified employees working above, or below, their current classification and thus a salary adjustment has been requested. Moreover, if an employee believes their job description is not current or their classification is not accurate, they can request Human Resources conduct a classification audit to update their job description and determine the proper classification.

On January 8, 2010, the City was notified that the two incumbents serving as the City's Senior Customer Service Representatives believed that their positions warranted a reclassification or salary review due to position duty changes. Specifically, the incumbents believed they had absorbed several of the duties previously assigned to the higher level Finance Technician classification, and that they had also been performing many of the duties previously assigned to the higher level Finance Supervisor classification.

Over the past months, Human Resources conducted an extensive analysis on the current Senior Customer Service Representative and Finance Supervisor classifications. We met with the incumbents for these positions several times, including many discussions with their union representative. We also met with the employee's supervisor and the director of Internal Services. Based on those discussions, Human Resources is recommending the elimination of the current Senior Customer Services Representative classification and the creation of the Supervising Customer Service Representative classification.

The current Senior Customer Service Representatives have been performing tasks beyond their current classification. They perform day-to-day supervision over assigned staff within the Collections and Billing sections. The high level of interaction between the current Senior Customer Service Representatives and the Customer Service Representatives is required because of the nature of the work. Throughout the day, Customer Service Representatives require the assistance and guidance of the Senior Customer Service Representatives, both in terms of customer concerns and policy adherence and, at times, exceptions. Moreover, the current Senior Customer Service Representatives already perform the basic

APPROVED: _____
Konradt Bartlam, Interim City Manager

supervisory functions of a Supervising classification, including scheduling employees and approving their time off, originating evaluations and disciplinary actions, and participating in the hiring process.

Staff requests Council approve the new job description and salary range for Supervising Customer Service Representative (See Exhibit A). At present, there are two Senior Customer Service Representatives assigned to the City's Financial Services Division. Staff recommends the new Supervising Customer Service Representative salary range be \$3,429.72 - \$4,168.85, which is approximately 10 percent above the current Senior Customer Service Representative salary range (\$3,118.90 - \$3,791.04) and is the same salary range as the Finance Technician.

The positions affected by these actions are within the General Services Bargaining Group. Staff has met many times with representatives of General Services to discuss these proposed changes. These proposed changes will result in a cost increase of about \$10,900 annually.

FISCAL IMPACT: An annual increase of approximately \$10,900 including additional expenses related to retirement costs and payroll taxes will be incurred for FY 2010/11.

FUNDING AVAILABLE: Additional costs will be absorbed within existing appropriations of the Internal Services Department.

Respectfully submitted,

Dean Gualco, Human Resources Manager

Jordan Ayers, Deputy City Manager/Internal Services Director

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE JOB SPECIFICATION AND SALARY
RANGE FOR THE POSITION OF SUPERVISING
CUSTOMER SERVICE REPRESENTATIVE

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the job specification for the position of Supervising Customer Service Representative as attached and;

BE IT FURTHER RESOLVED that the salary range for Supervising Customer Service Representative is hereby approved and shall be as follows:

SUPERVISING CUSTOMER SERVICE REPRESENTATIVE				
<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step D</u>	<u>Step E</u>
\$3,429.72	\$3,601.21	\$3,781.27	\$3,970.34	\$4,168.85

Dated: November 17, 2010

=====

I hereby certify that Resolution No. 2010-_____ was passed and adopted by the Lodi City Council in a regular meeting held November 17, 2010 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2010-_____

November 2010

SUPERVISING CUSTOMER SERVICE REPRESENTATIVE

Job descriptions are intended to present a broad and general range of duties which includes, purpose, responsibilities, and scope of work. Job descriptions are not intended to reflect all duties performed within the job.

DESCRIPTION:

Assigns, prioritizes, supervises and performs work related to customer service billing and collections. Under direction of the Financial Services Manager, the Supervising Customer Service Representative is a working supervisory position that ensures the operations of the utility billing and collections units are accomplished in an efficient and effective manner.

SUPERVISION EXERCISED AND RECEIVED

Exercises supervision over lower level personnel. Receives supervision from higher level personnel.

EXAMPLES OF DUTIES

Duties may include, but are not limited to the following:

Assigns, prioritizes, supervises and performs work related to customer service utility billing and collections units; ensures the operations of the utility billing and collections units are accomplished in an efficient and effective manner.

Resolves the most complex customer service (billing and collections), complaints and deficiencies; establishing, disconnecting and reconnecting service; high/low bill investigation; and delinquent accounts and interruption in service; authorize payment extensions; review and recommend contracts to department Manager.

Processes utility billings: edits for exceptions, compares accounts to rate schedule standards, researches account historical data to determine correctness, and approves bill batches for billing according to assigned rate schedules; analyze data and draw logical conclusions.

Processes, balances, and audits bank deposits; make necessary bank adjustments;

Interpret and enforce FACT Act identity theft guidelines and insure Federal Red Flag compliancy rules are followed; work with appropriate parties for proper resolution of situation.

Coordinate Photovoltaic net (pseudo) & co-meter billing setup in CIS.

Under guidance with management, designs and implements programs aimed at improving communication with customers, efficiency in customer service operations, and revenue recovery; designs and prepares departmental forms and operational manuals; prepares correspondence on procedural or informational matters;

Administrator of help desk for online payment system, research and resolve complex online problems; interact with third party for customer satisfaction; monitor postings and NSF returns; creates, maintains and monitors computerized files, databases and directories; conducts record searches and prepares statistical work sheets and other required documents; audits documents, verifies accuracy and ensures compliance with applicable regulations;

Answers the telephone and responds to questions on utility billings, business and other City financial transactions; receives revenue for licenses, permits, recreation fees and other city revenue accounts;

Administer Experian program; employee setup and monitoring. Interpret consumer credit profile reports and determine further actions when fraud alerts are present.

Acts as a liaison to Field personnel to initiate or resolve issues relating to high or low bill investigations, meter reliability, disconnects and reconnects;

Performs other duties related to the operation of the department and the City including additional duties that enable the department and City to meet the diverse needs of its community

TYPICAL QUALIFICATIONS

Knowledge of:

Financial fundamental, regulations, policies, and procedures governing various financial practices.

Utility rate structures and schedules;

Customer service techniques and information systems.

Department policies and procedures pertaining to utility billing and collections units;

Ability to:

Assign, prioritize, supervise and perform work related to customer service utility billing and collections units; ensure the operations of the utility billing and collections units are accomplished in an efficient and effective manner

Interpret and apply regulations, policies and procedures; audit compliance with applicable procedures, methods and regulations; perform complex arithmetical and basic statistical calculations accurately; prepare a variety of written reports, records and correspondence;

Supervise, train and evaluate the work of others;

Perform clerical procedures in an organized and accurate manner;
Use a personal computer and job-related software applications;

Interact with the public effectively and courteously; understand and carry out oral and written instructions;

Establish and maintain cooperative and effective relationships with those contacted during the course of work;

EDUCATION AND EXPERIENCE

Any combination of experience and education that would likely produce the qualifying knowledge and ability. A typical combination is:

Education

Equivalent to completion of high school; an Associate of Arts degree in a related field is desirable.

Experience

Three to four years of experience in a finance or accounting-related business performing a wide range of duties to include billing oversight, customer service, and collecting, recording and balancing cash; two year experience in a senior or supervisory position is highly desirable.

*FLSA Status: NON-EXEMPT



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Appointing Konradt Bartlam as City Manager and Approving the Related Employment Agreement

MEETING DATE: November 17, 2010

PREPARED BY: City Manager

RECOMMENDED ACTION: Adopt resolution appointing Konradt Bartlam as City Manager and approving the related employment agreement.

BACKGROUND INFORMATION: Pursuant to direction received at the Closed Session meeting held on November 3, 2010 and November 12, 2010, a draft employment agreement with Konradt Bartlam for Council consideration and approval will be provided prior to the meeting.

FISCAL IMPACT: No cost in excess of current budget.

FUNDING AVAILABLE: Funding as provided in current budget.

Phil Katzakian
Mayor

APPROVED: _____
Phil Katzakian, Mayor



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Appointment of City Council Members to Fill Vacancies on Northern California Power Agency (NCPA)

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Consider appointments of Council Members to fill vacancies on Northern California Power Agency (NCPA).

BACKGROUND INFORMATION: At the request of the Mayor, this item was brought forward for Council consideration. In light of the recent election results and the current status of the new Lodi Energy Center, it is necessary for the City of Lodi to have ongoing and active representation on the Board of Directors for NCPA. It is therefore requested that Council discuss this matter and take appropriate action with respect to the appointment of a primary and alternate Council Member to serve as designated representatives to NCPA.

FISCAL IMPACT: Not Applicable.

FUNDING AVAILABLE: Not Applicable.

Randi Johl, City Clerk

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider Disbandment of Budget and Finance Committee

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Consider disbandment of Budget and Finance Committee.

BACKGROUND INFORMATION: At the request of the Mayor and Chair of the Budget and Finance Committee, this item was brought forward for Council consideration. A seven-member Budget and Finance Committee was created in 2005 to advise the City Manager and City Council on finance-related topics. Since that time, the Committee was reduced to five members. Currently the Committee has only two members remaining.

Since its inception, the Committee has had difficulty retaining membership and filling vacancies. During the last year alone, four members resigned at various times, some serving less than a few months. Vacancies were posted for the initial 30-day period four times. Vacancies were reposted for an additional 30-day period four times. And, twice vacancies were posted as "open until filled" with an indefinite application period. In addition, there has been discussion since the Committee's formation regarding the purpose of the Committee. For the above-referenced reasons, it is requested that the City Council consider disbandment of the Budget and Finance Committee if deemed appropriate.

FISCAL IMPACT: Monthly cost savings by way of staff time of approximately 10-15 hours.

FUNDING AVAILABLE: Not Applicable.

Randi Johl, City Clerk

APPROVED: _____
Konradt Bartlam, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1834 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Building Code,' Volumes 1 and 2; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.04 in Its Entirety"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1834.

BACKGROUND INFORMATION: Ordinance No. 1834 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Building Code,' Volumes 1 and 2; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.04 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmr

Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1834

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA BUILDING CODE,"
VOLUMES 1 AND 2; THEREBY, REPEALING AND RE-
ENACTING LODI MUNICIPAL CODE CHAPTER 15.04 IN
ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.04, "California Building Code," is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.04

Building Code

- 15.04.010 Adoption.
- 15.04.020 CBC Chapter 1, Division II (Board of Appeals).
- 15.04.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation).
- 15.04.040 Fee Schedule.
- 15.04.050 Special Inspections – Downtown Business District.
- 15.04.060 Violation – Misdemeanor.

15.04.010 Adoption

The provisions set forth in the 2010 California Building Code, Volumes 1 and 2, including Chapter 1, Division II, Appendix I and J, thereto, are hereby adopted as the Building Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2010 California Building Code," Volumes 1 and 2, and the above designated appendixes thereto.

15.04.020 CBC Chapter 1, Division II (Board of Appeals)

Sec.113.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.04.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation)

Sec. 109.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 109.3. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based on the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work, including materials and labor for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.04.040 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.04.050 Special Inspections – Downtown business district

- A. Notwithstanding any other provision of this Chapter, special inspection fees required to determine compliance with this Chapter for all buildings and structures located within the area designated by Lodi Municipal Code Section 13.12.195(B) as the “downtown business district” are waived.
- B. The City Council finds and declares that the waiver of special inspection fees is taken to protect and preserve a crucial part of City’s economy and to preserve a portion of the City’s heritage by offering incentives for businesses to locate, relocate, or expand existing commercial uses within the “downtown business district.”

15.04.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

- C. In addition to the penalties set forth in Section 15.04.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1834 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1834 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1835 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Mechanical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.08 in Its Entirety"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1835.

BACKGROUND INFORMATION: Ordinance No. 1835 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Mechanical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.08 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmr
Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1835

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA MECHANICAL
CODE"; THEREBY, REPEALING AND RE-ENACTING
LODI MUNICIPAL CODE CHAPTER 15.08 IN ITS
ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.08, "California Mechanical Code," is hereby repealed and reenacted in its entirety to read as follows:

Chapter 15.08

Mechanical Code

- 15.08.010 Adoption.
- 15.08.020 Mechanical Permit Fees.
- 15.08.030 Fee Schedule.
- 15.08.040 Investigation Fee.
- 15.08.050 Installation.
- 15.08.060 CMC Chapter 1, Division II (Board of Appeals).
- 15.08.070 Violation – Misdemeanor.

15.08.010 Adoption

The provisions set forth in the "2010 California Mechanical Code," together with Chapter 1, Administration Division II, are hereby adopted as the Mechanical Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2010 California Mechanical Code" within the City of Lodi.

15.08.020 Mechanical Permit Fees

A fee for each mechanical permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.08.030 Fee Schedule

Section 115.2 is amended to read as follows: The schedule of Mechanical Permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.08.040 Investigation Fee – Work Without a Permit

Sections 115.5, 115.5.1, and 115.2 are amended to read as follows: Work Commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.08.050 Installation

Section 304.1 Installation. The California Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.1. 2. Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

15.08.060 CMC Chapter 1, Division II (Board of Appeals)

Sec.110.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a Board of Appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The Board of Appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.08.070 Violation – Misdemeanor

A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Chapter. Maintenance of equipment, which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Chapter, shall constitute a continuing violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.08.070(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. – No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1835 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1835 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1836 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Electrical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.16 in Its Entirety"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1836.

BACKGROUND INFORMATION: Ordinance No. 1836 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Electrical Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.16 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachment

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1836

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING
THE "2010 CALIFORNIA ELECTRICAL CODE"; THEREBY,
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE
CHAPTER 15.16 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.16, "California Electrical Code," is hereby repealed and reenacted in its entirety to read as follows.

Chapter 15.16

Electrical Code

Sections:

- 15.16.010 Adoption.
- 15.16.020 Fees.
- 15.16.030 Fee Schedule.
- 15.16.040 Investigation Fee.
- 15.16.050 Appeals Board.
- 15.16.060 Inspectors Qualifications.
- 15.16.070 Violation – Misdemeanor.

15.16.010 Adoption

The provisions set forth in the "2010 California Electrical Code" together with Annex C, Annex H, and Administration and Enforcement thereto, are hereby adopted as the Electrical Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Electrical Code of the City of Lodi shall apply to all matters pertaining to the installation, alteration, or addition of electrical wiring, devices, appliances, or equipment in the City of Lodi, California; and the enforcement of the rules and regulations as set forth in the 2010 California Electrical Code together with Annex C, Annex H and Administration and Enforcement thereto.

15.16.020 Fees

A fee for each electrical permit required by this Code shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.16.030 Fee Schedule

The Schedule of Electrical Permit Fees required by this Chapter will be those established and adopted by the City Council from time to time by Resolution.

15.16.040 Investigation Fee – Work Without a Permit

Work commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.16.050 Appeals Board (CEC Annex H)

Annex H 80.15 - is amended to read: In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.16.060 Inspectors Qualifications

Annex H 80.27- is amended to read: All electrical inspectors shall meet the minimum certification and experience as required by the City of Lodi's job description.

15.16.070 Violation – Misdemeanor

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any electrical wiring, devices, appliances or equipment or permit the same to be done in violation of this Chapter.

B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

C. In addition to the penalties set forth in Section 15.16.070(B) above, City may at its sole discretion, seek to enforce its Building Code under Chapter 1.10 of this Code.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1836 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN	COUNCIL MEMBERS –

I further certify that Ordinance No. 1836 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEVEN SCHWABAUER
City Attorney, City of Lodi

By _____
JANICE MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1837 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Plumbing Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.12 in Its Entirety"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1837.

BACKGROUND INFORMATION: Ordinance No. 1837 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Plumbing Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.12 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1837

AN ORDINANCE OF THE LODI CITY COUNCIL
ADOPTING THE "2010 CALIFORNIA PLUMBING CODE";
THEREBY, REPEALING AND RE-ENACTING LODI
MUNICIPAL CODE CHAPTER 15.12 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.12, "California Plumbing Code," is hereby repealed and reenacted to read as follows:

Chapter 15.12

Plumbing Code

- 15.12.010 Adoption.
- 15.12.020 Department Having Jurisdiction.
- 15.12.030 Plumbing Permit Fees.
- 15.12.040 Fee Schedule.
- 15.12.050 Investigation Fee.
- 15.12.060 Violation – Misdemeanor.

15.12.010 Adoption

The provisions set forth in the "2010 California Plumbing Code" together with Chapter 1 Administration Division II are hereby adopted as the Plumbing Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Plumbing Code of the City of Lodi shall apply to all matters pertaining to plumbing, drainage systems, and gas fittings in the City of Lodi.

15.12.020 Department Having Jurisdiction

The Building Division of the Community Development Department and the Building Official or his/her authorized representative shall enforce the provisions of this Chapter and shall have all of the duties and rights of the Administrative Authority as provided in the 2010 California Plumbing Code.

15.12.030 Plumbing Permit Fees

A fee for each plumbing permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.12.040 Fee Schedule

Section 103.4 The schedule of plumbing permit fees required by this Chapter will be those established and adopted by City Council from time to time by resolution.

15.16.050 Investigation Fee – Work Without a Permit

Work Commenced before permit is issued. Any person who commences work requiring a permit before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority that shall be in addition to the required permit fee.

15.12.060 Violation – Misdemeanor

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.12.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KAZATKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1837 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1837 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL, City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1838 Entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.06, Adopting the '2010 California Residential Building Code'"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1838.

BACKGROUND INFORMATION: Ordinance No. 1838 entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.06, Adopting the '2010 California Residential Building Code,'" was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1838

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING TITLE 15 – BUILDINGS AND
CONSTRUCTION – BY ADDING CHAPTER 15.06,
ADOPTING THE “2010 CALIFORNIA RESIDENTIAL
BUILDING CODE”

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.06, “California Residential Code,” to read as follows:

Chapter 15.06

Residential Code

- 15.06.010 Adoption.
- 15.06.020 CBC Chapter 1, Division II (Board of Appeals).
- 15.06.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation).
- 15.06.040 Fee Schedule.
- 15.06.050 Repetitive Submittals (Master Plans).
- 15.06.060 Violation – Misdemeanor.

15.06.010 Adoption

The provisions set forth in the 2010 California Residential Code, including Chapter 1, Division II, Appendix G, H, and J, Sections AJ501.7, AJ501.8, AJ601 only, thereto, are hereby adopted as the Residential Building Code of the City of Lodi and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Residential Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said “2010 California Residential Code” and the above-designated appendixes thereto.

15.06.020 CBC Chapter 1 Division II (Board of Appeals)

Sec.112.1 - In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

15.06.030 CBC Chapter 1, Division II (Building Permit Fees and Valuation)

Section 108.1. Building Permit Fees. A fee for each building permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

Section 108.3. The determination of value or valuation under any of the provisions of this Chapter shall be made by the Building Official and shall be based of the latest building valuation data as printed in the Building Safety Journal, published by the International Code Council, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work, including materials and labor for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Safety Journal.

15.06.040 Fee Schedule

The schedule of building permit fees required by this Chapter will be those established and adopted by the City Council from time to time by resolution.

15.06.050 Repetitive submittals (Master Plans)

A. Fees for the repetitive submittals of Master Plans shall be as follows:

1. Original plan: 100% of building permit fee, plus 10%.
2. Subsequent plans: 25% of building permit fee.
3. City's Residential Code (Chapter 15.06) is subject to review and adoption every three years; as such, Master Plans expire upon the effective date of City's most recent Residential Code.

15.06.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure located within the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.

- C. In addition to the penalties set forth in Section 15.06.060(B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1838 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1838 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL, City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1839 Entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.18, Adopting the '2010 California Green Building Standard Code'"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1839.

BACKGROUND INFORMATION: Ordinance No. 1839 entitled, "An Ordinance of the Lodi City Council Amending Title 15 – Buildings and Construction – by Adding Chapter 15.18, Adopting the '2010 California Green Building Standard Code,'" was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1839

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
TITLE 15 – BUILDINGS AND CONSTRUCTION – BY ADDING
CHAPTER 15.18, ADOPTING THE “2010 CALIFORNIA GREEN
BUILDING STANDARD CODE”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.18, adopting the “2010 California Green Building Standard Code” to read as follows:

Chapter 15.18

Green Building Code

15.18.010 Adoption.

The provisions set forth in the 2010 California Green Building Standard Code is hereby adopted as the Green Building Code of the City of Lodi and a copy of the same is maintained by the City Building Official and available for review in the Community Development Department. The Green Building Code of the City of Lodi shall apply to the planning, design, operations, construction, use, and occupancy of every newly constructed building or structure requiring a Building Permit in the City of Lodi, California.

Section 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect January 1, 2011, which date is at least 30 days after the passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1839 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1839 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By: _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1840 Entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Fire Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.20 in Its Entirety"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1840.

BACKGROUND INFORMATION: Ordinance No. 1840 entitled, "An Ordinance of the Lodi City Council Adopting the '2010 California Fire Code'; Thereby, Repealing and Re-Enacting Lodi Municipal Code Chapter 15.20 in Its Entirety," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934.***

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937.***

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1840

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING THE
"2010 CALIFORNIA FIRE CODE"; THEREBY, REPEALING AND
RE-ENACTING LODI MUNICIPAL CODE CHAPTER 15.20 IN ITS
ENTIRETY

=====

THE CITY COUNCIL OF THE CITY OF LODI DOES ORDAIN AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 15.20, "California Fire Code," is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 15.20
FIRE CODE

Section:

- 15.20.010 Adoption
- 15.20.020 Enforcement
- 15.20.030 Definitions
- 15.20.040 Findings and Filings
- 15.20.050 Open Burning, Recreational Fires and Portable Outdoor Fireplaces
- 15.20.060 Open Flames - Religious Ceremonies
- 15.20.070 Misc. Combustible Material Storage - Pallets, Palletized Packing Boxes, and Bin Boxes
- 15.20.080 Fire Apparatus Access Roads - Dimensions
- 15.20.090 Fire Apparatus Access Roads - Surfaces
- 15.20.100 Premises Identification
- 15.20.110 Key Boxes - Hazardous Materials Management Plan Box
- 15.20.120 Emergency Responder Radio Coverage - Public Safety Radio Building Amplification System
- 15.20.130 Fuel - Fired Appliances Gas Meters - Gas Service Identification
- 15.20.140 Electrical Equipment Wiring and Hazards - Electrical Disconnect
- 15.20.150 Fire Protection Systems - System Maintenance
- 15.20.160 Automatic Sprinkler Systems
- 15.20.170 Sprinkler Coverage Identification
- 15.20.180 Fire Control Room
- 15.20.190 Fire Alarm and Detection System Certification
- 15.20.200 Precautions Against Fire - Opening Burning Construction Sites
- 15.20.210 Tire Rebuilding and Tire Storage - Inside Tire Storage
- 15.20.220 Explosives and Fireworks - Seizure of Fireworks
- 15.20.230 Explosives and Fireworks - Limits Explosive and Blasting Agents
- 15.20.240 Explosives and Fireworks - Manufacturing of Fireworks
- 15.20.250 Storage - Locations Where Aboveground Tanks are Prohibited Class I & II Liquids
- 15.20.260 General Authority - Contract Inspector
- 15.20.270 General Authority - Fire investigators
- 15.20.280 Permits - Required Fees
- 15.20.290 Permits - Inspection Authorized
- 15.20.300 Permits - Revocation
- 15.20.310 Permits - Required
- 15.20.320 Inspections - Administrative Costs
- 15.20.325 Board of Appeals
- 15.20.330 Violations - Administrative Enforcement Provisions

- 15.20.340 Violations - Abatement of Hazard by Fire Code Official
- 15.20.350 Unsafe Building - Structural fires
- 15.20.360 Stop Work Order - Failure to comply
- 15.20.370 Fire Hydrants - Location and Distribution, Distribution of fire hydrants
- 15.20.380 Changes or modifications

15.20.010 Adoption

The provisions set forth in the 2010 California Fire Code, including Chapters 1, Division II, Chapters 3, 16 and 25, and Appendix Chapters B, D, E, F, G, I and J, are hereby adopted as the Fire Code of the City of Lodi, and copies of the same are maintained by the City Building Official and available for review in the Community Development Department. The Fire Code of the City of Lodi shall regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2010 California Fire Code" and the above-designated appendixes thereto.

15.20.020 Enforcement

Peace officers and persons employed in positions authorized to exercise the authority provided in California Penal Code Section 836.5 are authorized to issue citations for violation of this Chapter. The following designated employee positions may enforce the provisions of this Chapter by issuance of citations: the City Manager or his/her duly authorized representative, the Fire Chief, the Fire Marshal, Fire Inspectors, and all sworn members of the City's fire department

15.20.030 Definitions

- a) Whenever the words "International Fire Code" are used in this Chapter, it shall mean the California Fire Code, Title 24, California Code of Regulations, and Part 9.
- b) Whenever the word "municipality" is used in the California Fire Code, it shall mean the City of Lodi.
- c) Whenever the words "Chief" or "Fire Code Official" is used in the California Fire Code, they shall mean the Fire Chief for the City of Lodi or his/her designated representative.

15.20.040 Findings and filings

The findings of fact required in accordance with Health and Safety Code Section 17958.5 are set forth in Section 15.20.380 of this Chapter and are filed separately with the California Building Standards Commission and Lodi City Clerk's Office.

15.20.050 Open burning, Recreational Fires and Portable Outdoor Fireplaces

Section 307.1 of the California Fire Code is hereby amended to read as follows:

A person shall not kindle or authorize to be kindled or maintain any outdoor burning within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Code Official for the following purposes:

- a. The prevention of a fire hazard that cannot be evaded by any other means.

- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in the methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.
- d. The setting of backfires necessary to save life or valuable property pursuant to Section 4462 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Code Official, provided that the combustible is clear dry wood or charcoal and it is a permissive burn day. Approval shall be in accordance with Sections 307.1.1 – 307.5 of the California Fire Code.

15.20.060 Open Flames - Religious Ceremonies

Section 308.1.7 of the California Fire Code is hereby deleted:

Title 19 of the California Code of Regulations – Public Safety - Section 3.25 (b) supersedes this section thereby making the carrying of hand-held candles illegal.

15.20.070 Miscellaneous Combustible Materials Storage - Pallets, Palletized Packing Boxes and Bin Boxes

Section 315 of the California Fire Code is hereby amended to add the following:

A permit shall be required to store pallets, palletized packing boxes, or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions.

Pallets, palletized packing boxes, and bin boxes shall be piled with due regard to stability of piles and in no case higher than 12 feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one half the pile height and in no case less than 5 feet from the property line.

Exception: Bin boxes may be stacked to a maximum height of 20 feet.

Driveways between and around pallets, bin boxes, and palletized packing boxes shall be a minimum of 20 feet wide and maintained free from accumulations of rubbish, weeds, machinery or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than 50 feet by 50 feet.

Pallets, palletized packing boxes, and bin boxes, operating under a permit, shall be enclosed by a suitable fence of at least 6 feet in height, unless storage is in a building.

An approved water supply and/or fire hydrants capable of supplying the required fire flow shall be provided to the premises within all portions of the storage areas in accordance with Section 507, California Fire Code and Lodi Municipal Code 15.20.370.

For permitting purposes one pallet will be calculated as having 25 board feet and palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.20.080 Fire Apparatus Access Roads - Dimensions

Section 503.2.1 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the California Fire Code and an unobstructed vertical clearance of not less than 13 feet 6 inches.

15.20.090 Fire Apparatus Access Roads - Surfaces

Section 503.2.3 of the California Fire Code is hereby amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs, and fire lanes.

15.20.100 Premises Identification

Section 505.1 of the California Fire Code is hereby amended to read as follows:

A. Address Identification

New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

The approved minimum size dimensions of the numbers shall be as specified by Table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on the building.

Table 1	
Distance to Building address measured from back of walk.	Size Height
25 Feet	4 inches
26-40 Feet	6 inches
41-55 Feet	9 inches
Over 55 Feet	12 inches

B. Address Identification – Rear

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way, or parking lot shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Code Official.

C. Address Identification - Multiple Dwelling Units

An approved diagram of the premises, which clearly indicates all individual addresses of each unit in the complex, shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Code Official.

In addition, the Fire Code Official may require that individual buildings on the premises be identified in an approved manner.

D. Address Identification - Multiple Buildings

An approved identification of multiple buildings within an industrial complex shall be required which clearly indicates each individual building in the complex. Identification shall be placed on each building in a size and location, when required by the Fire Code Official, and be visible for responding emergency personnel in an approved manner.

E. Address Identification - Illumination

Addressing shall be illuminated at night in all new buildings. Signs shall be internally or externally illuminated. When the luminance or the face of a sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles. Internally illuminated signs shall provide equivalent luminance.

15.20.110 Key Boxes - Hazardous Materials Management Plan Box

Section 506 of the California Fire Code is hereby amended to add the following:

When a business which handles hazardous materials is required to complete a Hazardous Materials Management Plan (HMMP), the Fire Code Official may require the installation of a secured box at the primary facility entrance or the fire control room, which contains a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the Fire Code Official.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.120 Emergency Responder Radio Coverage - Public Safety Radio Building Amplification System

Section 510 (Emergency Responder Radio Coverage) of the California Fire Code is hereby amended to add the following:

A. Requirement for Approved Emergency Responder Radio Coverage in Buildings.

All buildings shall have approved indoor radio coverage for emergency responders. Except as otherwise provided, no person shall erect, construct, change the use of or provide an addition of more than 20 percent to, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for the City of Lodi radio communications system. Determining the existence of approved radio coverage and the correction of any deficiencies shall be the responsibility of the building owner. Existing buildings, buildings of one or two single family dwellings, or those below minimum areas as determined by the fire code official may be exempted from this requirement by the Fire Code Official.

B. Approved Radio Coverage

Approved radio coverage shall conform to the current standards of the Lodi Fire Department. These standards shall define the acceptable indoor signal levels to provide 90% reliability of the Lodi Public Safety Radio System inside structures. The fire code official may determine exceptions and additions to these standards as required to protect the integrity of the public safety radio system and provide acceptable signal levels in structures critical to public health and safety.

C. Indoor Public Safety Radio Enhancement Systems

If required by this code, any indoor public safety radio enhancement system must comply with current standards set by the Lodi Fire Department, and the regulations of the Federal Communications Commission. Systems shall be inspected, maintained, and modified as necessary to provide approved emergency responder radio coverage. If changes in FCC regulations or modifications to the Lodi Public Safety Radio System require modifications to a public safety radio enhancement system, the building owner, at his/her own expense, shall make necessary changes to conform to the existing standard.

15.20.130 Fuel-Fired Appliances - Gas Meters, Gas Service Identification

Section 603.9 of the California Fire Code is hereby amended to add the following:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections shall have individual gas shutoffs identified in a manner approved by the Fire Chief indicating areas or units served.

15.20.140 Electrical Equipment, Wiring and Hazards - Electrical Disconnect

Section 605 of the California Fire Code is hereby amended to add the following:

All buildings constructed after July 1, 2005, shall have main electrical shut off accessible to the exterior of the structure. This may be accomplished by placing the shut off on the building exterior, an electrical room with a door leading directly to the exterior or a remote electrical (shunt) switch on the building exterior. Breakaway locks are allowable for security.

15.20.150 Fire Protection Systems- System Maintenance

Section 901.7 of the California Fire Code is hereby amended to add the following:

All individuals or companies installing, repairing, testing, servicing, or maintaining sprinkler systems, fire hydrant systems, standpipes, fire alarm systems, portable fire extinguishes, smoke and heat ventilators, smoke-removal systems, and other fire protection or extinguishing systems or appliances shall be a fire protection contractor or contractor licensed for said work by the State of California or have the appropriate license required by the California State Fire Marshal's Office or both.

The authority having jurisdiction shall be notified immediately when a fire protection or detection system or portion thereof is found inoperable.

The authority having jurisdiction shall be notified in writing within 72-hours by the person performing repairs, testing, or maintenance when a fire protection or detection system is not in compliance with applicable codes.

When changes involve shutting off water for a considerable number of sprinklers for more than 4-hours, temporary water supply connections shall be made to sprinkler systems so that reasonable protection can be maintained. Protection shall be restored each night. The Fire Code Official may require a fire watch while any system is inoperative.

When shorts, failures, or other interruptions of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station or is a local alarm only, the Fire Code Official may require the system to be disconnected or shunt out the private fire alarm system and/or circuit. When shorts, failures, or other interruption of service occur within a building's fire alarm system that connects to an approved alarm service provider's Type A (listed) Central Station, the Fire Code Official may require the system to be repaired and written notification to be provided to the Fire Code Official before he or she responds to alarms generated by the system.

Where alarm system(s) are wholly or partially out of service for more than 8 hours, the alarm company having responsibility shall notify the fire dispatch center.

15.20.160 Automatic Sprinkler Systems

Section 903 of the California Fire Code is hereby amended to add the following:

In addition to the requirements specified in Section 903 of the California Fire Code, an automatic sprinkler system shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following buildings:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the California Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997, is increased by 50% and the total square footage of the building exceeds 6,000 square feet.

Exception: Group R, Division 3 occupancies.

15.20.170 Sprinkler Coverage Identification

Section 903 of the California Fire Code is hereby amended to add the following:

When required by the Fire Code Official, approved signs shall identify the building(s) or portions of building(s) served by a fire department connection and/or riser.

15.20.180 Fire Control Room

Section 903 of the California Fire Code is hereby amended to add the following:

An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Existing buildings installing automatic fire extinguishing system shall have a fire control room added unless approved by the Fire Code Official or his/her designee for good cause. Fire control room shall contain all system control valves, fire alarm control panels, and other fire equipment required by the Fire Code Official. Fire control rooms shall be located within the building at a location approved by the Fire Code Official and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room.

EXCEPTION: Group R, Division 3 occupancies.

15.20.190 Fire Alarm and Detection Systems - Certification

Section 907.8.2 of the California Fire Code is hereby amended to add the following:

The permittee shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and meets National Fire Protection Association Standards. Certification shall be required for all new systems to be installed after July 1, 2003. All existing systems must obtain certification in a timely manner, as approved by the Fire Code Official. A copy of the certification shall be provided to the Fire Code Official at no cost.

15.20.200 Precautions Against Fire - Open Burning Construction Sites

Section 1404.3 of the California Fire Code is hereby amended to add the following:

No fire shall be permitted to burn on any construction site for any purpose. This section is not intended to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.210 Tire Rebuilding and Tire Storage - Indoor Tire Storage

Chapter 25 (Tire Rebuilding and Tire Storage) 2509.1 of the California Fire Code are hereby amended to add the following:

Inside tire storage shall be in accordance with the following requirements.

Tires stored on side walls shall not be higher than six feet. Tires stored in a lace pattern shall not be higher than 5 feet. A minimum of 3 feet of clearance from tire storage racks shall be maintained in all directions to roof structure, sprinkler deflectors, unit heaters, supply and return air duct registers, lighting fixtures, electrical outlets or any other producing device. On-tread storage piles, regardless of storage needs, shall not exceed 25 feet in the direction of the wheel holes. On-floor, on-tread storage shall not exceed 5 feet in height. The width of the main aisles between piles shall not be less than 8 feet. Any aisle other than the main aisles shall not be less than 4 feet in width.

Definitions:

On-side storage: Tires stored horizontally or flat.

On-tread storage: Tires stored vertically or on their treads.

Laced storage: Tires stored where the sides of the tires overlap, creating a woven or laced appearance.

15.20.220 Explosives and Fireworks - Seizure of Fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The Fire Code Official is authorized to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of local, state, or federal regulations.

15.20.230 Explosives and Fireworks - Limits Explosive and Blasting Agents

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The storage of explosives and blasting agents is prohibited within the City limits, except in areas zoned M-2 as such zone is defined in the zoning regulations of the City.

15.20.240 Explosives and Fireworks-Manufacturing of Fireworks

Chapter 33 (Explosives and Fireworks) of the California Fire Code is hereby amended to add the following:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.250 Storage - Locations where aboveground tanks are prohibited – Class I & II Liquids

Section 3404.2.9.6.1 of the California Fire Code is hereby amended to read as follows:

Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits of the City of Lodi, except areas zoned IP, M-1, and M-2 as such zones are defined in the zoning regulations of the City of Lodi.

15.20.260 General Authority - Contract Inspector

Chapter 1, Division II, Part 2 Section 104.7.2 of the California Fire Code is hereby amended to add the following:

The Fire Code Official may require the owner or the person in possession or control of the building or premise to provide, without charge to the fire department, a special inspector ("Contract Inspector") when the department requires technical expertise for assistance to conduct the required inspections.

The Contract Inspector shall be a qualified person who shall demonstrate his/her competence to the satisfaction of the Fire Code Official for inspection of a particular type of construction, operation, fire extinguishing, or detection system or process.

Duties and responsibilities of the Contract Inspector shall include but not be limited to the following:

1. The Contract Inspector shall observe the work assigned for conformance with the approved design drawing and specifications.
2. The Contract Inspector shall furnish inspection reports to the Fire Code Official, Building Official, and other designated persons as required by the Fire Code Official. All discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority, Fire Code Official, and to the building official.
3. The Contract Inspector shall submit a final signed report stating whether the work requiring inspection was, to the best of his/her knowledge, in conformance with the approved plans and specifications and the applicable workmanship provision of this code.

15.20.270 General Authority - Fire Investigators

Chapter 1, Division II, Part 2 – Section 104.10 of the California Fire Code is hereby amended to add the following:

All sworn members assigned to the Fire Prevention Bureau or Fire Investigation Unit are hereby assigned as Fire Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to fire and arson investigations.

15.20.280 Permits – Required Fees

Chapter 1, Division II, Part 2 – Section 113.2 of the California Fire Code is hereby amended to add the following:

The fee for each permit shall be as set forth from time to time by resolution of the Lodi City Council. The City may establish fees sufficient to recover its costs in administering this Code. No permit shall be issued until such fees have been paid, and administrative citations may be issued to persons violating this Code by the persons allowed to issue citations as stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.290 Permits - Inspection Authorized

Chapter 1, Division II, Part 2 – Section 105.2.2 of the California Fire Code is hereby amended to read as follows:

Before a new operational permit is approved, the Fire Code Official is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used to determine compliance with this Code or any operational constraints required. In instances where laws or regulations are enforced by departments other than the fire department, joint approval shall be obtained from all departments concerned.

No final inspection under this Code, as to all or any portion of the development, shall be deemed completed and no certificate of occupancy shall be issued unless and until the requirements imposed by this Code have been completed and the final approval thereof by the Fire Department has been given as provided herein and all plan reviews and inspection fees paid.

15.20.300 Permits - Revocation

Chapter 1, Division II, Part 2 – Section 105.5 of the California Fire Code is hereby amended to add the following:

The Fire Code Official further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of this Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or
- (b) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.310 Permits - Required

Chapter 1, Division II, Part 2 – Section 105.6 of the California Fire Code is hereby amended to add the following:

Christmas Tree Lots. A permit issued by the Fire Code Official is required to operate a Christmas Tree Lot with or without flame proofing services.

Haunted Houses. A permit issued by the Fire Code Official is required to operate a temporary or permanent haunted house.

Special Events. A permit issued by the Fire Code Official is required to conduct a special event that is not otherwise listed in this Code and in the opinion of the Fire Code Official or his or her designee poses a fire or life safety concern to the public.

15.20.320 Inspections - Administrative Costs

Chapter 1, Division II, Part 2 – Section 106.2 of the California Fire Code is hereby amended to add the following:

When a test or inspection is scheduled and the contractor fails to perform to the satisfaction of the authority having jurisdiction, the authority having jurisdiction may bill the contractor for actual time spent traveling to and from the test/inspection location and the time spent at the test/inspection site as well as administrative costs.

15.20.325 Board Of Appeals

Chapter 1, Division II, Part 2 – Section 108 of the California Fire Code is hereby amended to read as follows:

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this Chapter, the City Council shall sit as a board of appeals. The Fire Code Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Fire Code Official with the other copy to the applicant.

15.20.330 Violations - Administrative Enforcement Provisions

Chapter 1, Division II, Part 2 – Section 109.2 and 109.3 of the California Fire Code is hereby amended to read as follows:

Notices of violation, citation, or penalties shall comply with Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions with the following terminology changes or deletions wherever stated in Chapter 1.10.

(a) Whenever the word “Community Improvement Officer” is used, it shall mean the Fire Code Official.

(b) Whenever the word “Department of Public Safety” is used, it shall mean the Lodi Fire Department.

(c) Whenever the word “Community Development Director” or “Director” is used, it shall mean the Fire Chief or his designee.

(d) Whenever the word “Uniform Codes” is used, it shall mean the California Fire Codes.

(e) Section 1.11.260E is not applicable to the provisions of this chapter, (Community Awareness and Responsibility Education Classes) as it pertains to residential dwellings.

15.20.340 Violations - Abatement of Hazard by Fire Code Official

Chapter 1, Division II, Part 2 – Section 109.3.1 of the California Fire Code is hereby amended to add the following:

If any person fails to comply with the orders of the Fire Code Official, or if the Fire Code Official is unable to locate the owner, operator, occupant, or other person responsible within a reasonable time, the Fire Code Official or his or her authorized representative may take such steps as are necessary to abate the hazard for the protection of the public health and safety. No event notice is necessary before abatement when the hazard is a clear and present danger to the public welfare. All costs related to such abatement shall become a lien or special assessment on the subject property.

15.20.350 Unsafe Buildings - Structural Fires

Chapter 1, Division II, Part 2 – Section 110.1.1 of the California Fire Code is hereby amended to add the following:

The Chief Officer at the scene shall attempt to notify all occupants or owners of structures, which have suffered damage by fire, that such structures or buildings must be inspected before any repairs thereof are made. A permit covering the structural, electrical, and plumbing repairs shall be obtained from the City of Lodi Community Development Department. The Chief Officer shall report all such structural fires to the Chief Building Official or his/her designee within twenty-four hours after the occurrence of such fire.

15.20.360 Stop Work Order - Failure to Comply

Chapter 1, Division II, Part 2 – Section 111.4 of the California Fire Code is hereby amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than that stated in Lodi Municipal Code – Chapter 1.10 – Administrative Enforcement Provisions.

15.20.370 Fire Hydrants Locations and Distribution – Distribution of Fire Hydrants

Appendix C – Section C105.1 of the California Fire Code is hereby amended to read as follows:

Private fire hydrants and public off site fire hydrants shall be spaced with the maximum distances as specified by Table 2.

Table 2	
Zoning Type	Maximum Spacing
Commercial, high density, Industrial or high-value	300 feet
Low Density Residential	500 feet
Residential Reverse Frontage	1000 feet

Hydrants shall be required on both sides of the street whenever one or more of the following conditions exist:

1. Streets have median center dividers that make access to hydrants difficult, cause time delays, or create undue hazard or both.
2. On major arterials when there is more than four lanes of traffic.
3. Width of street in excess of 88 feet.
4. The existing street being widened or having a raised median center divider in the future pursuant to the General Plan Roadway Improvements Plans for the City of Lodi.

15.20.380 Changes or Modifications

In accordance with Health and Safety Code Section 17958.5, the adoption of amendments more restrictive than the requirements contained in the provisions published in the California Building Standard Code, are needed because of local conditions, as specified below:

(A) Climatic

(1) Conditions

Precipitation averages 18 inches per year and can reach as high as 35 inches per year. Virtually all of the rain occurs during the months of October through April. The remaining months receive little or no rain. Temperatures during the summer months can reach as high as 110 and City of Lodi averages 19 days over 100 each year. Relative humidity during these summer months is very low. Lodi averages 34 days of dense fog per year, and has had as many as 64 foggy days.

(2) Impacts

The generally dry, hot summer months create extreme fire conditions. Adding to this situation is the dryness and combustibility of many structures during the summer, especially true of structures with wood siding and roofs constructed of wood shakes and shingles. The cyclical uncertainty that allow weather events can cause rapid melting of the snow pack, which causes flood potential in areas surrounding the Mokelumne River. The foggy conditions can inhibit the dispatch and timeliness of emergency equipment reaching the site of a fire. During foggy periods, it is common place for visibility to be near zero, which results in emergency equipment having to decrease their speed to less than 25 miles per hour.

(B) Geographic

(1) Conditions

The City of Lodi is subject to ground tremors from seismic events as the County is in seismic Category D. The Mokelumne River, which borders the northern city limits, is subjected to flood potential and its levies are subject to failure from seismic activity or high water.

(2) Impacts

The geologic conditions in San Joaquin County in general, and the City of Lodi, in particular, have the potential of restricting access to structures, especially in remote or isolated areas. A moderate earthquake or extended periods of rain can impact local access roads.

(C) Topographic

(1) Conditions

The City of Lodi consists mainly of the San Joaquin Valley floor. The valley floor is typically flat land area bisected by intermittent and year round stream and river systems. Much of the valley floor is irrigated agriculture. Low land areas protected by a complex and extensive levee system characterize the Delta area. Union Pacific Railroad Tracks bisect the eastern and western portions of Lodi as well as Highway 99 creating traffic congestion and emergency response delays.

(2) Impacts

The valley floor is frequently subject to both general and localized flooding. Because the area is so flat and low, it is not unusual for local drainage systems to be inadequate during heavy rain periods. This condition can isolate areas where roads are flooded and thereby block access. With the OSHA "two-in two-out" rule requiring two fire fighters ready to make attack only when two others are present, the potential delay in east-west response increases the risk to firefighter and the public.

While it is clearly understood that the adoption of such amendments may not prevent the incidence of fire, the implementation of these various amendments to the code attempt to reduce the severity and potential loss of life, property, and protection of the environment.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Lodi hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the City Clerk is hereby ordered and directed to cause this ordinance to be published. This ordinance shall be published one time in "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect January 1, 2011, a date which is at least 30 days after passage of this ordinance.

Approved this 17th day of November, 2010

PHIL KATZAKIAN
Mayor

Attest:

Randi Johl
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1840 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1840 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:
D. Stephen Schwabauer
City Attorney, City of Lodi

JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1841 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Adding Chapter 15.22, 'ATC-20 Safety Assessment Placards,' Used to Denote Conditions Relating to Continued Occupancy of Buildings"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1841.

BACKGROUND INFORMATION: Ordinance No. 1841 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 15 – Buildings and Construction – by Adding Chapter 15.22, 'ATC-20 Safety Assessment Placards,' Used to Denote Conditions Relating to Continued Occupancy of Buildings," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR

Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1841

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE TITLE 15 –
BUILDINGS AND CONSTRUCTION – BY ADDING CHAPTER
15.22, “ATC-20 SAFETY ASSESSMENT PLACARDS,” USED TO
DENOTE CONDITIONS RELATING TO CONTINUED
OCCUPANCY OF BUILDINGS

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WHEREAS, one of the functions of the Applied Technology Council ATC-20 publication entitled *Post-Disaster Safety Assessment Program* was the development of placards that clearly identify the condition of buildings to owners and occupants during a disaster; and

WHEREAS, these placards were first used after the Loma Prieta earthquake in 1989; and

WHEREAS, a panel was convened by the Applied Technology Council to review ATC-20 and update the publication and placards based on the Loma Prieta experience that recommended revisions to the placards; and

WHEREAS, placards have been widely used in past earthquakes to denote the condition of buildings and structures, and in many cases, the placards have been those recommended in the ATC-20 publication; and

WHEREAS, in past events, there have been a number of reports of placards being removed from buildings by owners or tenants or an unauthorized change of placards, usually from UNSAFE to one of the other categories, compromising the protection of the public; and

WHEREAS, adopting the ATC-20 recommended placards by ordinance makes them the City’s official placards and their use enforceable under this Code and the misuse or removal of the placards punishable under this Code; and

WHEREAS, only authorized representatives of a jurisdiction may place official placards, and for this reason, the *Post-Disaster Safety Assessment Program* recommends that safety assessment evaluators be deputized. If evaluators are not deputized, the jurisdiction must send out its own personnel to post the buildings. In accordance with Article 17, Section 8657(b) of the *California Emergency Services Act*, local government is not financially responsible for providing disaster volunteers with worker's compensation coverage if the jurisdiction deputizes and registers the volunteers. Volunteering safety assessment evaluators registered with OES as Disaster Service Worker Volunteers are provided worker's compensation coverage by the State of California; safety assessment evaluators who are State or local government employees are covered by their respective jurisdiction and respond to disasters under the terms of mutual aid agreements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 15 – Buildings and Construction – is hereby amended by adding Chapter 15.22, “ATC-20 Safety Assessment Placards,” to read as follows:

CHAPTER 15.22

ATC-20 SAFETY ASSESSMENT PLACARDS

Sections:

- 15.22.010 Intent
- 15.22.020 Application of Provisions
- 15.22.030 Definitions
- 15.22.040 Placards

Section 15.22.010 Intent

This Chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. This Chapter further authorizes the Building Official and his/her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

Section 15.22.020 Application of Provisions.

- (a) The provisions of this Chapter are applicable to all buildings and structures of all occupancies regulated by the City of Lodi. The Council may extend the provisions as necessary.

Section 15.22.030 Definitions.

- (a) Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

Section 15.22.040 Placards.

- (a) The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.
 - (1) **INSPECTED - Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - (2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note on the placard in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - (3) **UNSAFE - Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by

the Building Official, or his/her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note on the placard in general terms the type of damage encountered.

- (b) The number of the ordinance adopting this Chapter, along with the address and phone number of the Building Division of the City's Community Development Department, shall be permanently affixed to each placard.
- (c) Once it has been attached to a building or structure, a placard is not to be removed, altered, or covered until done so by an authorized representative of the Building Official, including deputized safety assessment evaluators. It shall be unlawful for any person, firm, or corporation to alter, remove, cover, or deface a posted placard unless authorized to do so pursuant to this section.
- (d) Placards Shall Read as Follows:



INSPECTED
LAWFUL OCCUPANCY PERMITTED

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

☐ Inspected Exterior Only

☐ Inspected Exterior and Interior

Report any unsafe condition to local authorities; Re-inspection may be required.

Inspector Comments:

Inspector ID/Agency:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection May Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



LIMITED ENTRY
OFF LIMITS TO UNAUTHORIZED PERSONNEL
DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

This Structure has been Inspected, Found to be Seriously Damaged and is Unsafe to Occupy, as Described Below:

DO NOT ENTER, EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY JURISDICTION. ENTRY MAY RESULT IN DEATH OR INJURY.

Facility Name & Address:

This Facility was Inspected Under Emergency Conditions By:

Jurisdiction: _____

Address: _____

Telephone: _____

Inspector ID/Agency:

Date: _____

Time: _____

DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)



UNSAFE

Community Development Department, Building Division
221 West Pine Street, Lodi, California 95240
(209) 333-6714

City of Lodi Ordinance No. _____ Adopted: _____

CAUTION: This Structure Has Been Inspected and Found to be Damaged as Described Below:

Entry, Occupancy and Lawful Use are Restricted as Indicated Below:

Facility Name & Address:

Date: _____

Time: _____

(Caution: Aftershocks Since Inspection may Increase Damage and Risk)

This Facility was inspected under emergency conditions by:

Jurisdiction: _____

Address: _____

Telephone: _____

Inspector

ID/Agency: _____

**DO NOT REMOVE, ALTER OR COVER THIS PLACARD UNTIL AUTHORIZED
BY THE BUILDING OFFICIAL (LODI MUNICIPAL CODE §15.22.040)**

Section 2. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 4. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 17th day of November, 2010.

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL, City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1841 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1841 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:
D. STEPHEN SCHWABAUER
City Attorney, City of Lodi

By _____
JANICE D. MAGDICH
Deputy City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1842 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 2.44 – Personnel System – by Repealing and Re-Enacting Sections 2.44.070, 'Composition of Board-Vacancies,' and 2.44.100, 'Hearing of Appeals,' Relating to Expanding Board Membership from Three to Five and Making Board Decisions Advisory to the City Manager"

MEETING DATE: November 17, 2010

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1842.

BACKGROUND INFORMATION: Ordinance No. 1842 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 2.44 – Personnel System – by Repealing and Re-Enacting Sections 2.44.070, 'Composition of Board-Vacancies,' and 2.44.100, 'Hearing of Appeals,' Relating to Expanding Board Membership from Three to Five and Making Board Decisions Advisory to the City Manager," was introduced at the regular City Council meeting of November 3, 2010.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMR
Attachments

APPROVED: _____
Konradt Bartlam, Interim City Manager

ORDINANCE NO. 1842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 2.44 – PERSONNEL
SYSTEM – BY REPEALING AND RE-ENACTING SECTIONS 2.44.070,
“COMPOSITION OF BOARD-VACANCIES,” AND 2.44.100, “HEARING
OF APPEALS,” RELATING TO EXPANDING BOARD MEMBERSHIP
FROM THREE TO FIVE AND MAKING BOARD DECISIONS ADVISORY
TO THE CITY MANAGER

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Section 2.44.070, “Composition of Board – Vacancies,” is hereby repealed and reenacted and shall read as follows:

2.44.070 Composition of Board – Vacancies

The personnel board of review created under this article shall consist of five members to be appointed by the City Council. Vacancies on the personnel board, from whatsoever cause, shall be filled by appointment by the City Council. Three of the five members shall constitute a quorum and may conduct business.

Section 2. Lodi Municipal Code Section 2.44.100, “Hearing of Appeals,” is hereby repealed and reenacted and shall read as follows:

2.44.100 Hearing of Appeals

A. As provided in this article, by rule adopted hereunder or by memoranda of understanding between the city and employees’ bargaining units, the board shall hear appeals by any person in the classified service relative to any situation involving the employees’ status or conditions of employment, including disciplinary matters.

B. Unless provisions to the contrary contained in any memoranda of understanding or pertinent law require otherwise, the findings and actions of the board are deemed advisory only to the City Manager. If memoranda of understanding or law provide differently, then such findings or actions shall be deemed final action by the City and reviewable under administrative mandamus provisions of state law.

Section 3. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 17th day of November, 2010.

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1842 was introduced at a regular meeting of the City Council of the City of Lodi held November 3, 2010, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 17, 2010, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1842 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

Randi Johl
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney